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CALENDAR
OF
STATE PAPERS,
COLONIAL SERIES.
AMERICA AND WEST INDIES.
1704-1705.

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CECIL HEADLAM, M.A.

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28.56 p.m.

CORRIGENDA.

1700. P. 63. Line 10 from bottom. *For No. 5 read No. 6.*
1701. P. 14. Line 10 from bottom. *For No. 25 read No. 24.*
- „ P. 362. Line 19 from top. *For C.O. 37 read C.O. 137.*
1702. P. 581. Line 9 from top. *For No. 7 read No. 6.*
- „ P. 668. Line 15 from top. *For xii read xi.*
1704. No. 82. *Dele in toto.*
- „ No. 497, line 7, *add* Cf. May 1, 1706.
- 1704-5. P. 44. 13 lines from bottom. *For offices read officers.*
- „ P. 131. Line 11. *For Gard read Yard.*
- „ P. 250. 11 lines from bottom. *For Damt. read Danl (?)*.
- „ P. 255. 6 lines from top. *For Georg read George.*
- „ P. 255. 8 lines from top. *For vii read ix.*
- „ No. 97. *Dele in toto.*
- „ No. 704. *For J. Bridge read T. Bridge.*

PREFACE.

The War. There was little fighting in America or the West Indies during the years 1704 and 1705. But the victories of the Allies in Europe, and the success of British arms in Catalonia, strengthened the candidature of their nominee, the Archduke Charles, for the throne of Spain. In these circumstances, upon the initiative of the States General, trade with the Spaniards in the West Indies was re-opened in the name of Charles III (50, 116, 160, 1353, 1485). It was a measure desirable as a stroke of policy intended to alienate Spain from her French allies and to put an end to friction between English and Dutch in the West Indies; and it was almost imperative as a means of preserving the prosperity of some of the Colonies. The loss of the trade with Spain is, for instance, mentioned by Col. Quarry as one of the chief causes of the great impoverishment of New York (*p.* 140). But permission to engage in this commerce was not extended to the Charter and Proprietary Governments, for fear that it would be used as a cloak for carrying on illegal trade (50).

Trade
reopened
with Spain.

Col. Handasyd, the Governor of Jamaica, who evidently enjoyed the confidence of Ministers at home, was instructed to carry on negotiations with the Spanish Governors. The Spaniards were ready enough to re-open trade with the English, and Rear-Admiral Whetstone represents them as weary of the yoke and tyranny of France (1264). But they continued meanwhile to treat their English prisoners with such barbarity (1236), that it was necessary to make threats of reprisal, should such treatment be continued (1329, 1330, 1358).

Thanksgiv-
ings for
Blenheim.
etc.

Proclamations were issued for Days of Thanksgiving throughout the Colonies for Marlborough's victories on the Danube and in the Spanish Netherlands (538, 1282).

Collusive
trade with
the Dutch
and Danes.

Questions of trade with the Dutch from the Plantations, contrary to the Acts of Trade and Navigation, and of

collusive trade with the French in provisions from New England and the Northern Colonies, through the Danes at St. Thomas, were raised (12, 50, 677.i., 914). The Council of Trade suggested that Danish ships carrying goods from that island to the French were liable to confiscation, and that the Crown of Denmark should be pressed to refuse to allow French ships of war and privateers to harbour themselves in that port, assuming that the treaties in force with regard to European ports applied equally to St. Thomas (12, 677.i., 914).

The Council
of Trade.

The general account of trade and the administration of the Plantations for 1704, which the Council of Trade rendered to the House of Lords, has been printed in the *Calendar of the House of Lords MSS.* (682).

Convoys.

Much of the time of the Commissioners was taken up by their endeavours to arrange convoys and to make up the merchant fleets so as to satisfy the conflicting convenience of the Colonies, the English merchants and the Admiralty. Some English merchants were anxious to steal a march on others ; some to delay the sailing of a fleet in order to catch the Colonists short of English goods ; many secured licences not to be obliged to await the convoys, if their ships were warranted good sailers and well armed. The Council of Trade did their best to check the issue of these permits, pointing out that in case of capture such ships would endanger the whole fleet that was to follow (1510). In order to prevent the leakage of information, whether of a commercial or a political nature, they further pressed Governors and merchants to instruct masters of ships to sink any letters they might be carrying, in case they should find themselves in imminent danger of capture (426). But in this matter, too, neither merchants nor colonists were always ready to sacrifice private advantage for the public weal (*p.* 626). Further confusion and loss was caused by the failure of the Admiralty to provide men-of-war when the fleets were ready, for such unpunctuality involved the missing of the markets. A good deal of mismanagement on the one hand, and of greedy individualism on the other, resulted in many ships being caught and trade being severely handicapped. No less than 43 ships are reported captured or missing, out

Losses to
Trade and
Shipping.

of the fleet of 108, which sailed from Barbados and the Leeward Islands in 1704 (794). By the middle of 1705 the Province of the Massachusetts Bay alone had lost 140 ships (954). A prisoner at Martinique says that 163 prizes had been brought in there since the war began, and that 30 French privateers had been commissioned from that port, where there was confident talk of a French fleet coming to take all the West Indies (348, 420).

Prizes and
Admiralty.

The captures, of course, were not all one way. And since there was a general tendency in the Plantations to chafe against the rights of the Admiralty, orders were sent to the various Governors to support the Agents of the Crown in cases where prizes were brought into their ports (39, 45, 53, 103, 128, 174.ii.). But on one point the Navigation Acts were relaxed. The proportion of English seamen required in each ship's crew was reduced from three-fourths to one-half "during the present war" by an Act of Parliament (465).

Relaxation
of Naviga-
tion Act.

Bill for
encouraging
the impor-
tation of
Naval Stores
from the
Plantations.

Hitherto the efforts of the Council of Trade to encourage the production of Naval Stores in America, in order to break the monopoly of the "Eastern" merchants, had resulted in an almost negligible export of pitch and tar (750). As the result of their efforts in the previous year, they recommended Thomas Byfield and Co. for a charter to import these articles (143, 234, 899). They proposed that this embryo trade should be encouraged by granting a premium on Colonial produce, which should also be admitted Custom-free (327.i., 413). An Act of Parliament, *to encourage the importation of Naval Stores from the Plantations*, prepared by the Board, was passed to this effect at the end of 1704 (742), and Mr. Bridger was presently appointed Surveyor General of the Woods, with the function, amongst other duties, of instructing the Colonists in the art of preparing pitch and tar (1517.i.).

Proposal to
build men-
of-war in
America.

In this connection may be mentioned a proposal for setting up a ship-yard and building men-of-war at Patuxent (363).

Thwarted in their plans for the active prosecution of the war by the extreme Tories, Marlborough and Godolphin obtained the dismissal of the Earl of Nottingham and his followers in the spring of 1704. Sir Charles Hedges

Mr. Secretary Hedges and Mr. Secretary Harley.

succeeded him as Secretary of State, "with the care of the Plantation affairs" (291). At the same time, Mr. Secretary Harley and Henry St. John appear on the scene in these pages (328). Indications will be found of an increasing tendency to send Ministers' protégés in Governors' trains with the view of a post being found for them (1351).

Absentee Patent Officers.

And, in spite of the past efforts of the Council of Trade, and symptoms of restiveness on the part of the Colonists, the system of absentee-holders of Patent Offices grows, and is encouraged (1487, *p.* 284).

Supervision and Repeal of Laws.

The Council of Trade continued to remind Governors to send over bodies of the Laws in force in their several Governments, and copies of the new Laws as soon as possible after they were passed (536, 540). The careful consideration given to Colonial legislation, and the reasons given for repealing some of the laws, are very instructive. Sometimes, for instance, approbation is refused upon grounds of infringing the prerogative of the Crown or the rights and liberties of the subject, sometimes in order to prevent inhumane punishments, as in the cases of Bermuda and Pennsylvania (496, 498, 1076, 1081).

Coinage. The Proclamation disregarded.

Instead of being welcomed as a step towards commercial stability, the Proclamation issued in June, 1703, fixing the rate of exchange for foreign coins throughout the Plantations (392, 424), was received in the Colonies generally in the same spirit as similar legislation had recently met with in England. Thanks, as the Lieut.-Governor of Pennsylvania remarks, to the liberty which trading men will always take in their own bargains, but also to the advantage which the several Colonies sought to derive by shifting the value of the coinage, the Proclamation remained practically a dead letter on the Continent (864). It was observed in Barbados, but not in the Leeward Islands, to the great irritation of the former (1018, 1376). Dudley could not persuade the Assembly of the Massachusetts Bay to enforce it (*p.* 590); it was ignored in Virginia, where trade in cash, instead of kind, is mentioned as a new feature (924, *p.* 412); in Pennsylvania the merchants decided to make for the future "particular bargains," and to wait on the example of New York (864, 1442); and in New York the merchants regarded the

innovation as certain to bring utter ruin (635). As the neighbouring Colonies were determined to ignore H.M. injunctions and to continue the practice of clipping coins and passing money at the old rates, or even higher, as the Bostoners intended, Cornbury decided to delay putting the Proclamation into execution (876). At home, whilst Penn urged that the regulation should either be dropped or enforced (1209), and the Agents of Barbados demanded the infliction of the severest penalties on those who did not obey it (1376), the Attorney General advised the Council of Trade that probably in the Plantations, as before in England, an Act of Parliament would be required, imposing penalties on those who received money at other values than those which had been fixed (1217, 1382).

Lord Cornbury's dual with the Assembly of New York. The Colonial Assemblies tended, in many instances, to regard themselves as modelled upon the House of Commons, and, therefore, as entitled to all the prerogatives of the English Assembly (*p.* 386). Lord Cornbury explained to the Representatives of New York that the holding of Assemblies was "purely by the grace and favour of the Crown," and that their claim to all the privileges of the Commons was an encroachment upon the prerogative of the Queen and an infringement of the powers of the Governor (*p.* 308). The Council of Trade supported this view. The occasion of Cornbury's strictures was the determined endeavour of the Representatives to obtain some control over the expenditure they sanctioned.

Alarms at New York and Albany. On the alarm of an advance of French and Indians, Cornbury had gone up to Albany. The alarm proved false, but it gave occasion to show that the Militia was ready and serviceable, and that the Five Nations were friendly and alert. Another alarm of an attack upon New York by the French from sea recalled Cornbury thither, but, by the time he arrived, the rumoured ten men-of-war had resolved themselves into one actual privateer. Some of the Militia are said to have behaved well on this occasion, "but very many of the Dutchmen ran away into the woods" (*p.* 307).

The Dutch party. It was, Cornbury asserts, in hopes of forcing him to dissolve the Assembly, that the Representatives refused

to pass a measure for the defence of the frontiers, save with such provisoes as infringed the prerogative. By this manœuvre, the "Dutch party," headed by the old leaders, Gouverneur and Staats, expected to gain a majority in the New Assembly. Cornbury, therefore, only adjourned the House from the summer till the autumn of 1704 (427, 428, *p.* 187). But the passing of summer did not cool the determination of the Assembly not to pass the Bill save on their own terms, and they declined to admit any amendments made by the Council to Money Bills. Cornbury accordingly dissolved them (*p.* 309).

The Council
and money
Bills.

A New
Assembly
and the old
spirit.

When the new Assembly met, in June, 1705, it was found, in general, that the people had chosen the same Representatives. The Representatives chose the same Speaker (*p.* 559). The same spirit naturally animated them. They prepared a Bill *for raising 1,700*l.* for the defence of the frontiers*, but insisted on nominating a Treasurer who should be accountable to the Assembly. They refused to admit any amendments to this Money Bill from the Council, on the analogy of the Lords and Commons in England (*pp.* 560, 561). They were adjourned to September, but "continued in the same obstinate way" with regard to their Money Bill (1462), in spite of a pronouncement by the Council of Trade that the Council had a perfect right to amend such Bills (1462.vii., *p.* 460).

The explanation of their insistence appears in the Assembly's reply to the Council (1462.i.-v.). They complain that they have in practice been left hitherto in the dark as to the disposal of public monies, and that sums already raised for the defence of Albany and the frontiers had been misapplied. Whereupon they were prorogued till the following May.

The
Assembly
complain of
misappropriations.

Bayard
and
Hutchins.

Past events still threw their shadows. An Act to reverse the proceedings against Bayard and Hutchins was repealed upon the suggestion of the Attorney General, and another Act was passed to the same effect, but providing against the bringing of vindictive actions against persons who had taken an innocent part in the proceedings now reversed (545, 736, 741, 1499, *p.* 705).

Cornbury,
Nanfan
and
Lady
Bellomont.

Lord Cornbury devoted much of his time to a prolonged and controversial investigation of the accounts of

Lady Bellomont and the ex-Lieutenant-Governor, Nanfan. He claimed to make out that both Nanfan and the late Governor, Bellomont, were much in debt to the State, a position not at all admitted by Nanfan or Mr. Champante (398, 406, *etc.*). Both Lady Bellomont and Nanfan escaped to England, the latter, as he says, after a severe experience of prison and from a series of malicious prosecutions (415). The Council of Trade wrote on their behalf to Cornbury, who appeared to be making a partisan use of his great powers as Governor. They also advised him to straighten, as far as possible, his expenses on fortification and stores of war in these times of stress, and warned him that no more stores were likely to be granted until an account was rendered of those he had taken with them. Cornbury's answers are plausible enough, but from these hints by the Council of Trade, and by their observation that if the money granted by the Assembly had been spent on raising a battery at the Narrows, that would induce the Assembly to grant the remainder necessary, it would appear that some suggestion of malversation had already reached them (184, 530). A further request, however, for stores of war, a present to the Indians, and a man-of-war to save the trade of the Province in provisions with the West Indies from extinction by French privateers, met with a more gracious response (643). Three hundred pounds were granted for a present to the Indians (891); two men-of-war were appointed to guard New York (1493, *p.* 460); and since Cornbury had represented that he had not 120 barrels of powder left and no spare small arms at all, it was proposed that some stores captured by the French should be made good, and 50 barrels of powder sent, to be paid for by the Assembly (889-892).

Grant of
stores of
war and a
present to
the Indians.

Lord
Cornbury
and
Mr. Byerley.

A charge was laid against Lord Cornbury by Mr. Byerley, the Collector, of lax administration of the Acts of Trade and Navigation in favour of Col. Wenham, one of the Council (379). Cornbury replied (416, 422), and presently retorted further by suspending Byerley for countenancing illegal trade (1172).

Smuggling
trade at
Sandy
Hook.

The smuggling trade carried on at Sandy Hook leads Col. Quarry to suggest the building of a battery and the stationing of a Collector there (353.i.).

An Assembly Room to be provided. Amongst the domestic legislation of 1704 was an Act to provide a room for the Assembly, which had hitherto been obliged to sit in a tavern (*p.* 191).

Mr. Livingstone restored. Mr. Livingstone was restored to his office of Secretary for Indian affairs, and his advice bore fruit in the appointment of two ministers by the Society for Promoting the Gospel in Foreign Parts as missionaries to the Five Nations (55, 799, 800, 1357.)

The industries of New York. Lord Cornbury's report to Mr. Secretary Hedges throws light upon the industries and economic condition of the Province, and gives a valuable sketch of the political views of the inhabitants. He offers his own opinion that "all these Colloneys, which are but twigs belonging to the main Tree, ought to be kept intirely dependant and subservient to England, and that can never be if they are suffered to goe on in the notions they have that, as they are Englishmen, soe they may set up the same manufactures here as people may doe in England, for the consequence will be that, if once they see they can cloath themselves, not only comfortably, but handsomely too, without the help of England, they would soon think of putting in execution" the anti-Anglican, anti-monarchical designs they had long harboured in their breasts. He indicates again the cleavage between the Dutch and the English and French, and, again, between New York City and the rest of the Province: "Among the English in this City there are a great many good men, but in the countrey, espetially in Long Island, most of the English are Dissenters, being for the most part people who have removed from New England and Connecticut, who are in noe wise fond of Monarchy," *etc.* Hence, he concludes, their desire to extend the powers of the Assembly (1250).

The state of parties.

New Jersey. The Assembly of New Jersey made it clear that they did not intend to grant a Revenue until the "Proprietors' Bill," which they had brought in in the previous year, was passed (27, 641, *pp.* 283, 284, and see *Calendar*, 1703, *p.* xv.). Lord Cornbury accordingly dissolved them in September. The new Assembly, in spite of the opposition of the Quakers, granted a revenue of 2,000*l.* to the Governor for two years, and, amongst others, Bills for settling the Militia

The Revenue Act. The "Proprietors' Bill."

Opposition
of
Lewis
Morris,
etc.

and for altering the qualifications of electors and elected. Lewis Morris led the opposition to the latter Act, declaring that the Proprietors had only surrendered their right of government upon terms, and that one of the conditions they insisted upon was the qualification of electors and members as laid down in the original Constitution. His opposition ended in his being suspended from the Council by Lord Cornbury (878). Amongst his arguments, as reported by Cornbury, was the claim for Colonial Assemblies to have the same powers as the House of Commons, referred to above, and that, if they were not allowed to send Representatives to the House of Commons at home, the Colonies ought to be governed by laws of their own making (*p.* 386). The Proprietors of West Jersey soon entered their protest against the Act, insisting on the conditions on which, they alleged, they had surrendered their Charter (952, 1040). They assert that the country was not duly represented when the obnoxious Acts were passed, and that they therefore ought not to be confirmed. For a majority of one had been obtained by two members of the Council challenging the qualifications of three members of the newly elected Assembly, and the Governor had refused to admit them even after their cases had been considered and they had been approved by the Representatives. This, as they pointed out, was to claim a veto on any election. They object, too, to the tax upon uncultivated lands, included in the Revenue Bill, which was passed, it is suggested, in return for the Governor's dissolution of the last Assembly and his exclusion of the three members. Objection was also made to the Bill about the Indian lands (1703) and to other actions of Lord Cornbury contrary to his instructions (48, 1040, 1449). Cornbury's version of the affair is given (1476). The Council of Trade did not admit the suggestion that the surrender of the Proprietors had been conditional. They had already approved the alteration in the methods of election, and proposed that the Governor's Instruction should be altered to that effect, before the results of this Session reached them (1055). They directed Cornbury to get the Revenue settled for 21 years, and bade him be content with 1,500*l.* for his first year and 1,000*l.* for

subsequent years, and not to intermeddle in the election of Representatives (1057). And they offered other advice which certainly amounted to a severe reprimand. When the Assembly met in May, 1705, the Quakers, who represented the Western Division, did not attend, in the hopes, it was said, of forcing a dissolution. Cornbury, however, merely adjourned the House till October, and in October again to May, as soon as the question of the three excluded members was raised again, and he saw, as he says, that they were resolved to do nothing (1476).

The
Massa-
chusetts Bay.
Governor's
salary and
the Quota.

The Council of Trade confessed themselves defeated by the refusal of Col. Dudley's Governments to settle a salary upon him and the other officials. They pointed out that it was unreasonable for them to expect to be supplied with munitions of war, whilst they refused to obey H.M. commands in this matter (110, 349). Those commands were renewed (491) in August, 1704, and again, a few months later, on the occasion of a grant of cannon for Castle Island, which was now finished (3). The Governor was instructed to inform the Council and Assembly of her Majesty's sense of their great neglect of their duty and of their own security. If they did not comply immediately with H.M. commands to rebuild the Fort at Pemaquid, contribute to the cost of fortifying Piscataqua, and settle the salaries of the administration, they were warned that they must not expect any further grants or favours from the Crown (349, 645, 693, 807.i.).

The Reply
of the
Representa-
tives to
H.M.
commands.

In September, 1705, Dudley called a special Session of the Assembly to consider this Order, and demanded their "positive and direct answer" (1422). Their answer ignored his blandishments, and, since the Council of Trade had expressed their disapproval of their previous method of sending over an Address to the Queen without the knowledge or consent of the Governor (349), they now pursued the more correct method of addressing the Crown through the Governor. They had already, in begging for a grant of cannon and small arms, and for two frigates to guard the coast, urged that the neighbouring Governments ought to contribute towards their heavy burden of defence (451), but they refused to vote their own quota towards the help of New York in case of need (*p.* 217);

and whilst they commended Governor Dudley's careful management of affairs, and readily raised men and money to carry out his precautionary measures of defence on the frontiers, they again refused to settle a salary upon him, or even to vote an annual sum adequate for his support (*p.* 217). As to Pemaquid and Piscataqua, they repeat the reasons formerly given for refusing to obey H.M. commands (*Calendar*, 1703, *No.* 1266) and add some new ones (1435.ii.), which Dudley declares to be mistaken (*p.* 656). The Addresses and letters sent home with Mr. Cary were thrown overboard when the vessel conveying them was captured by the French (594).

Opposition
to Church
and Crown.

Dudley explains the difficulty of his position in the course of an appeal for the support of the Minister in charge of the Plantations. So long as he enforces the Acts of Parliament, the New Englanders, "who can hardly bear the Government nor Church of England amongst them," were determined to make him as uneasy as possible (679). The privilege of electing Councillors was used by the Assembly to exclude "every loyall and good man that loves the Church of England and dependance upon H.M. Government" (*p.* 215). The policy of starving the Governor was applied also to other public officers. The Lieutenant-Governor, the Chief Justice and other Judges were being compelled to resign for want of an adequate salary, and the Council would not consent to fill their places with Dudley's nominees, "the best qualified men for estates and loyalty" (*pp.* 446, 447).

Policy of
Starvation.

Choice of a
Speaker.

An incident in the same struggle was the choice of a Speaker in May, 1705. Dudley refused to accept Oakes as being a pauper and a "known Common-wealth's man." The Council denied his power of rejection, and he was obliged to waive it in order to save the Revenue (*p.* 588).

Successful
Measures of
Defence.

On the other hand, as we have seen, the Assembly did not hesitate to support their Governor in his energetic measures of defence, although they involved an expenditure of over 20,000*l.* *per annum* (954). For it was clearly a case of self-preservation (*p.* 446).

The precautions taken achieved their object. During the winter of 1704 the frontiers were kept clear of Indians by parties of rangers on snowshoes, save for a raid from

Montreal upon the towns of Connecticut River, which was quickly repulsed (159.i., 260). Only one man-of-war was appointed to guard the coast from privateers and to keep the French fleet out of Boston Harbour or Piscataqua, should it pay a rumoured visit to that place. But a privateer from Port Royal, which chanced to be driven ashore, gave warning of an expedition in force, "drawn together from Quebeck, Port Royall and our own Indians," intended against Piscataqua in May (*p.* 100). Dudley prepared to receive them, and at the same time organised a counter-attack on the Eastern Indians during their absence. Actually in July a concerted movement of French from Quebec and Eastern Indians was made upon the Piscataqua and Connecticut Rivers. It was broken up by Dudley's frontier forces (455), which were ordered to follow up their success by an advance into the enemy's country (*p.* 214). In co-operation with a fleet of sloops and two men-of-war an expedition under Col. Church advanced into Nova Scotia and plundered and burned the French settlements (455, 600). Dudley, indeed, declares that, if he had been granted the extra 4th rate man-of-war, for which he had applied, they could easily have reduced Port Royal, for that that place, like Quebec, was short of provisions (*p.* 214). The capture of their provision ships this year and the next did, in fact, reduce the French at Quebec to great straits (680, *p.* 587). Confirmation of this is to be found in the proposals of neutrality made by M. Vaudreville to Dudley in October, 1705 (1423.iii., *p.* 587). These proposals prompted Dudley, like Cornbury, to press for an invasion of Canada (679, 680, 1274, *p.* 308).

English
Raid upon
Nova Scotia.

Quebec and
Port Royal
in
difficulties.

Destruction
of
Noridgewock.

The effects of the expedition to the Bay of Fundy were very salutary. The Indians caused no trouble in the winter, which had previously been the season when they had done most mischief. But Dudley did not relax his vigilance. Besides keeping a strong guard upon the frontiers to repel a threatened attack, he sent an expedition to Noridgewock in the following spring (*p.* 445). They found the place deserted, and destroyed the fort, "in which they found a large Church and School and lodging for a couple of fryers" (966, 968).

Births and
Settlers.

A Register of births, April, 1704-1705, and a list of causes for the year October, 1704-1705, are referred to (1422.iv.-x.). The former, giving the number of births as over 2,000, was rendered imperfect by Quaker principles and inefficient officials. But against this element of increase in the population Dudley notes elsewhere a decline in immigration—not ten families of settlers had come in ten years—whilst hundreds had fled across the border to the Charter Governments, in order to escape the burdens of taxation and military service (*p.* 447).

Pirates.

Dudley seized and hanged some privateers who had turned pirates, though, as he says, it was regarded as a new and harsh thing to hang people that brought gold into the Province (*p.* 216). Whilst he petitioned for the balance of this money for his pains, the Agent of the Province solicited for a grant of it towards the purchase of arms (954).

Mr. Usher's
Accounts.

The moneys long due to Mr. Usher as Treasurer in the time of Sir E. Andros remained unpaid, although his accounts were passed by a Committee of Council, and the Assembly could make no clear objection to them (*No.* 417, *pp.* 446, 453).

He retires to
Boston from
New
Hampshire.

That unfortunate gentleman found himself no better off as Lieutenant-Governor of New Hampshire. After some differences with his chief, Col. Dudley, after reiterated complaints against his predecessor, Partridge, and his faction, and a total failure to obtain an allowance from home or any grant from the Assembly for his services, he retired in dudgeon to Boston (34, 35, 982). He complains that H.M. Commission was treated with disrespect; and the people of New Hampshire are reported by Sampson Sheafe to be against monarchical government. No jury, he says, would convict in a case of transgressing the Acts of Trade, were Admiralty cases left to them (141). A petition came before the Queen in Council against a protective duty imposed in New Hampshire which penalized English owners of ships (543.i.).

He is rebuk-
ed by the
Council of
Trade.

Exasperated, not unnaturally, by the obscure style and repetitions of the Lieutenant-Governor's letters, the Council of Trade beg him to write plain matter of fact in an intelligible manner.

Governors
and
Lieutenant-
Governors.

As to his differences with Col. Dudley, they remind him that Dudley is not out of his Government when he is in the province of Massachusetts Bay, and that therefore the Lieutenant-Governor of New Hampshire must take his orders and not dissolve Assemblies contrary to his directions, as had been done (338, *Calendar*, 1703, *p.* 917). The same question of administration arose in the case of Lieut.-Governor Ingoldesby and Lord Cornbury in relation to New Jersey a little later (1443).

Dudley and
the
Assembly of
New
Hampshire.

Dudley met the Assembly of New Hampshire in February, 1704. They pleaded poverty as their reason for not doing more than raising 500*l.* for the Fort at Newcastle, which was repaired by Col. Romer (417), and keeping men ready for emergencies against Indian raids (159.iii.). In spite of their experiences of that danger, the settlers on the frontiers continued to live in their scattered houses rather than in garrisons on the defensive (*p.* 51).

Mr. Allen's
Claims.

Mr. Allen's claim to the "waste lands" continued to agitate the Province (120). His case against Waldron was tried in March, 1705, and resulted in a verdict for the defendant, as, says Usher, was to be expected, the judges and jurors being persons who gave Waldron money to carry on his case. The judges refused to obey the Queen's Orders to direct the jury to find specially in this case (982, *cf.* *Calendar*, 1703, *No.* 580). Allen appealed.

The
Assembly's
Offer to
Allen.

On Dudley's arrival in May he took up the case and persuaded the Assembly not only to grant a salary and revenue for the administration in obedience to H.M. commands (*Calendar*, 1703, 601), but also to make an offer which he thought Allen would have done well to accept, even though it were short of justice (1108, 1109, 1432.i.). Allen, however, died at that moment. His claim was taken up by his son (1367.i.).

List of
Causes.
Pennsylvania.
Division
of the
Province
and Three
Lower
Counties.

A list of recent causes is indicated (1).

The new Lieutenant-Governor, Evans, did not arrive in Pennsylvania until February, 1704 (175). In spite of his efforts to promote unity, the division foreshadowed in Penn's Charter of 1701 (1429), crystallised when the Representatives of the Province and Three Lower Counties met in Assembly in April (353, 359.ii.-vi., 605.vii.). The

Representatives of Pennsylvania refused to sit with those of the Three Counties, who, "finding themselves thrown off by the Quakers," retired to their own country to shift for themselves in a separate Assembly at Newcastle (353).

Militia. One of Evans' first steps was to issue a Proclamation requiring all those "whose perswasions will on any account permit them" to arm themselves and enlist in the Militia (359.i., 599). By the end of the period under review he reports that he has succeeded in settling as regular a Militia as he could induce the Representatives to see the necessity of. The Quakers, of course, were exempt, and the Lieutenant-Governor suggests that many who were not Quakers by conviction, but were disaffected to H.M. Government, availed themselves of this exemption (1441).

The Quota. He had pressed, but pressed in vain, for the Assembly at Philadelphia to grant the sums they were enjoined by the Queen's commands to contribute towards the defence of the New York frontier (359, *p.* 273). The Assembly referred to their former refusal, and proceeded to challenge the Lieutenant-Governor's power of proroguing or dissolving them (599). Col. Quarry suggests that the evil example of Pennsylvania in this matter of the Quota corrupts the good manners of the Jerseys, and nothing more is to be expected so long as the present Constitution is allowed to remain in force (*p.* 141).

Judicial Oaths. The old antagonism continued between Quakers who wished to be judges, but would not take or administer an oath, and non-Quakers who might wish to be tried, but thought an oath more binding than a mere affirmation (605.ix., *p.* 282). There was a further division of Quaker against Quaker, a large party being strongly opposed to the Proprietor's interest. The quarrel came to a head over the Militia, the officers of which were indicted by the Quakers, who did not spare young Mr. Penn himself, who was "presented for abusing the Constable and Watch" (605.xi.). The Lieutenant-Governor retorted by declaring the proceedings of the Court against one of the Militia void, in accordance with the Order in Council of January, 1703, since the Court had refused to administer an oath to a witness (*p.* 283, *No.* 605.ii.). Incensed with Penn and his son, the Quakers refused to grant a penny to them or

Penn.
Father and
Son.

to Evans, and young Penn, who had come over in pursuance of an agreement, by which, if father or son should settle in Pennsylvania, a sum was to be raised for them, was so incensed that he publicly renounced the Quakers, put on his sword, and shook the dust of the province from off his shoes, resolved to persuade his father to resign the Government (*p.* 283).

Penn's
proposals
for
surrender-
ing the
Govern-
ment.

These events are reflected in the negotiations for surrendering his Government which continued to take place between Penn and the Council of Trade. After returning to the charge against Col. Quarry in 1704 (176), Penn, in the beginning of 1705, renewed his proposals for resigning the Government, waiving the conditions which had rendered his previous offer impracticable, and stipulating, in general, only for entire liberty of conscience for the inhabitants, the reservation of his Proprietary privileges, and exemption for himself and his successors from troublesome offices and public taxes (786). These generals were gradually extended to the particulars from which Penn constitutionally shrank, and a draught of a surrender was framed before the end of the year (788, 809, 810, 946, 1156, 1158, 1331). With a view to compensation, and to support his claim that his recent visit to Pennsylvania had produced a very large increase in the Customs paid, Penn supplied valuable lists of exports since 1699 (788, 1446).

Exports of
Pennsyl-
vania.

Laws of
Pennsyl-
vania.

In considering the 105 Laws of 1700 and 1701 passed by Penn, the Council of Trade took great care to enquire into the Proprietor's legal position as well as into the desirability of the particular laws. The Attorney-General's report upon them is a good instance of the careful scrutiny to which the Laws of the Colonies were submitted by the Law Officers of the Crown, and of the reasons for which they were repealed, if repealed they were. Some were rejected as tending to the prejudice of Englishmen, or as contrary to the laws of England, or as encroaching on the prerogative of the Crown; but the larger number because they threatened the liberty or security of the subject, or because the punishments proposed were inhumane or too severe (604). Penn's reply to these objections is characteristic. He must submit to lawyers,

and pleads that the "simplicity of the times in that wilderness should excuse inexpertness," and so forth (1278.i., 1324, 1372, 1383, 1463). In response to the objection to an Act that might encourage the making of shoes in the Plantations, to the disadvantage of English manufacturers, he argues that reason of State cannot "in prudence or justice put one man's commodity, as this will, upon another at ye seller's price" (*pp.* 598, 612).

Connecticut.
The Mohi-
can Indians. In response to the complaint of the Mohican Indians, that certain lands had been taken from them by the Government of Connecticut, contrary to agreement (11), a Commission of Enquiry was appointed (171, 172, 207), after the opinion of the Attorney General had been ascertained as to the power of the Crown to erect such a Court (146). The Commission, presided over by Governor Dudley, sat in August, 1705, but the Commissioners appointed to represent the Colony first flouted the Queen's directions and challenged the power of the Court, and then withdrew (181.i., 1312, 1422). The Commission reported unanimously in favour of Owaneco and the Mohegans (1312.i.), but indicated that the Government of Connecticut would refuse to carry out the award and to restore the lands in question without further pressure from the Crown (1422).

Repeal of
the Heretics
Act. On the petition of the Quakers, an Act "entituled Hereticks," and directed against "Quakers, Ranters, Adamites and such like" was repealed (1060, 1153, 1356, 1362, 1370).

Charges
against Con-
necticut and
Rhode
Island. The Governments of Connecticut and Rhode Island remained obdurate in their refusal to contribute towards the defence of the frontiers, a burden which lay very heavily upon the Massachusetts Bay. The Council of Trade more than once recommended that the Queen should appoint a Governor over their heads, and were backed by the opinions of the Law Officers of the Crown (23, 448, 659).

Orders were once more issued from St. James's requiring these Colonies to send aid to the Massachusetts Bay, but once more without result (109, 132, 205). As the result of H.M. reiterated commands, Dudley reported at the end of the period under review that he had not received one soldier or one penny from these Charter Governments

towards defence (1422). Rhode Island put the matter off, first by promising to take a muster of the inhabitants, and then by proposing to discuss the details with Col. Dudley through Commissioners (1274.xi.-xiii., *pp.* 445, 587). The Governor and Council, in obedience to the royal commands (105, 127), renounced their pretensions to Admiralty jurisdiction, the obnoxious Act having been repealed (23, 51, 52, 105, 107). But a Commission recently granted to Capt. Halsey was soon causing further trouble (*p.* 445, *Nos.* 1274, 1274.xv., xvi.). Their defence of their assumption of the rights of Admiralty is given (1407.i.). It is intermingled with many pious protestations and the most unctuous prayers for the forgiveness of their accusers. The charges against the two Governments continued, indeed, to accumulate (701). Lord Cornbury forwarded evidence against Connecticut, which he described as a Nest of Thieves and a Government "peopled with the spawn of rebellion" (861, 1475*ff.*), and Dudley sent evidence against Rhode Island (1274, 1424). The Proprietors of the mortgaged lands in the Narraganset Country join the chorus of complaint against the injustice and oppression of the Rhode Islanders (1451.i.). In general, it is complained, these Governments acted "as if they thought themselves out of ye dominions of the Queen," and pirates there were in less danger than their prosecutors. Anti-monarchical principles and opposition to the Church of England were, indeed, reported to be increasing daily in the Proprietary Governments and the Massachusetts Bay, some of the leading men, as Mompesson writes, talking of shaking off their subjection to the Crown (436).

The consideration of the case against Connecticut and Rhode Island, after having been frequently deferred, came before the Privy Council in February, 1705. It was ordered that the charges should be formulated, and that the answers of the two Governments should be returned within six months (856, 862, 975.i., 976.i.).

The time allowed had, however, elapsed before the Order reached the hands of the Government of Rhode Island (1408). But, upon the report of the Council of Trade, a general statement of the misfeazances of the Charter and Proprietary Governments, and of the

desirabilty of reassuming them to the Crown was ordered to be laid before the Queen in Council (1525).

"Will and
Doom."

Gershom Bulkley's *Will and Doom*, a pamphlet relating to grievances in the Colony of Connecticut, of which I merely give the title, has been printed by the Conn. Hist. Soc. (Coll. III, 80) (644).

Virginia.
Complaints
against
Governor
Nicholson.

Governor Nicholson refers to the habit of complaining against their Governors, which had lately come into vogue in the Colonies (930). In the spring of 1704 his own turn came, in the shape of a petition to the Queen, signed by six members of Council in May, 1703, against his "arbitrary government and scandalous example" (226, 247). Mr. Commissary Blair and Robert Beverley were the leading spirits of the opposition, which Nicholson and Col. Quarry describe as small, factious, and discredited by their own malice (*p.* 144). The charges brought against Nicholson bear a strong resemblance to those which had been levelled against him in Maryland (508). He is accused of acting arbitrarily, contrary to or without the advice of the Council, whom he publicly abuses; of browbeating all opposed to his views in the Assembly, of using "Billingsgate language," and interposing to promote ill-feeling between the Houses, when he makes violent speeches, which are not recorded in the Minutes. In the Courts he hectors the judges, shows gross partiality to his friends, and tampers with the Grand Juries and witnesses. His "haughty, furious and insolent behaviour" towards gentlemen of the country is said to be on a par with his profanity and gross immorality with women, but he has so bribed and terrified the Clergy and Grand Juries into signing flattering Addresses on his behalf that he relies upon clearing himself with their aid. He has invaded the Bishop of London's jurisdiction, and abused the ecclesiastical jurisdiction entrusted to the Governor (247, 270-284, 371). In the course of

Nicholson
and the
College of
William and
Mary.

substantiating these charges, Blair tells a very curious story in connection with the College of William and Mary, a story which throws light upon the official, as well as the College manners and customs of the day. The form of barring out the Schoolmaster in order to wrest a holiday from him, was a custom which remained in vogue in some

parts of England within living memory (*p.* 112). Nicholson was ordered to reply, and sternly recommended not to visit his personal resentment upon those who were concerned in the complaints (388, 507, 508). His answers began to come in, voluble and indignant. Many of the charges were, as he asserted, obviously petty, malicious and self-contradictory (915, 921, 924, 930). But others were of a kind which called for enquiry at close quarters. His defence was cut short by a command to answer his accusers at home. The Order was accompanied by an assurance that he had not forfeited H.M. favour (1015, 1023, 1039). Nicholson could justly say that he had found Virginia as he had found Maryland, in debt and torn by faction; he could proudly point to proofs that he left Virginia, as he had left Maryland, prosperous, solvent, and at peace. The people, except for a small and noisy faction, he describes as dutiful and loyal (930).

Nicholson's
Reply. He
is recalled.

The Assembly and Col. Quarry. The opposition had been much encouraged by Robert Beverley's letters from England (628*ff.*). The Assembly was led by a garbled version sent by him of a report by Col. Quarry—always an echo of Nicholson in matters Virginian—to make an Address to the Queen upon it, without giving that officer an opportunity of explanation or denial (1277*i.*, 1399).

Governor
Nott suc-
ceeds Gover-
nor Nichol-
son.

His Instruc-
tions.

Rumour was rife first that Col. Parke, then that Lord Orkney was appointed to succeed Governor Nicholson (*p.* 432). Actually, Col. Edward Nott received the post. With commendable rapidity, he sailed in April, 1705 (1004, 1034). His Instructions cover a good deal of new ground since Nicholson received his. They included careful regulations for the taking up and settling of land, calculated to encourage genuine planters rather than land-speculators. He was also specially directed to consult with the Assembly, Planters and Custom House Officers with a view to settling ports for the exclusive lading and unlading of vessels, similar instructions being given to the Governor of Maryland (1013, 1016, 1051*i.*, 1065, 1210, 1210*i.*, 1316). Nott arrived at Williamsburgh on Aug. 12. He vainly endeavoured to compose the differences of the clergy, and summoned the Assembly to meet on Oct. 23 (1350, 1351).

Nott and the
Assembly.

A Revenue Bill was passed, and then the Laws, which had been carefully considered and revised at home, and which had been brought back by the Governor, were discussed (978, 1513, 1533-1535). Some were passed, but others, including the Clergy Bill, which had been much amended, were altered back, the Assembly making it clear that they would only be content with the original forms. After a short session, they were adjourned till the following April. The session had been inaugurated by a disaster. On October 29 the College of William and Mary was burnt to the ground, library, furniture and all (1534). A proposal was made by some Protestants from Berne to follow the example of the Huguenots of Manikin Town, and to settle in Virginia or Pennsylvania (633).

The Clergy
Bill etc.

William and
Mary College
destroyed.
Emigrants
from Berne.

Rent-rolls. Amongst the records sent home by Governor Nicholson is a copy of the Rent-rolls of Virginia in 1704 (1277.viii.).

Maryland. Col. Seymour sailed for Maryland in September, 1703, in H.M.S. *Dreadnought*, but he did not reach his government until April in the following year (343). He set himself to improve the Militia, which he found in a "very un-serviceable state," and dissolved the long-standing Assembly as soon as they had renewed the Revenue Act (*p.* 142). The Council of Trade instructed him to see to it that the Quakers who would not bear arms, should, as elsewhere, contribute money or substitutes instead (525). These instructions were repeated by Order in Council, December 18, 1705, upon further complaints from Governor Nott as to their refusal to bear any share in the defence of the Province, "which divers persons who have no foundation of Religion perceiving, have thereby been induced to profess themselves Quakers" (*p.* 265).

Quakers and
the Militia.

The New
Assembly.
Revisal of
Laws.

Jesuits
restrained.

When the new Assembly met in September, 1704, they applied themselves to a revisal of the laws (585, 1210). Seymour reports that he has checked the activities of some proselytising Jesuits, who, said to be encouraged by the agents and relatives of the Lord Proprietor, were causing "greate offence and scandall . . . by their slye and assiduous endeavours to promote their superstition" (*p.* 264).

After an interview with the Council of Trade, Lord Baltimore wrote to curb the zeal of William Hunter

and his Society (1508). Their proselytising had already led to the passing of laws *to prevent the growth of Popery*, against which the Roman Catholic community protested (1530), and which was then modified by another law granting them liberty of private worship (*p.* 552). The Attorney General states the legal position of Romish priests (1378), and also of Roman Catholics in the matter of holding lands in the Colonies (403).

Position of
Roman
Catholics.

In his account of this Session, Governor Seymour refers to a series of misfortunes:—the burning of the Court House with the Council Records (1210), repeated disturbances from the neighbouring Indians, and, lastly, to a plot laid by some rebellious malcontents to join hands with the Indians and seize the government. The ring-leader, Richard Clarke, was outlawed, but escaped in a sloop, to turn pirate, it was thought, along with “severall other loose idle persons, who are much indebted on account of protested Bills of Exchange, the epidemically distemper this Country now labours under” (1210). Of the other conspirators, the “Petit Jury, like true Americans, acquitted all but two.” Those two the Governor “consented to sell to some of the Islands for the country’s good,” a surprising form of punishment (1316).

Burning of
the Court
House and
Records.

Richard
Clarke’s
Conspiracy.

Patent
Officers.

An Act directed against the profits of the Secretaryship, indicates the growing feeling against the appointment of Patent Officers by the Crown, to which Col. Quarry refers (785, 1030, *p.* 284).

A stirring
episode of
the sea.

A thrilling episode of the sea is told in the narrative of Capt. Richard Johnson (585.iii.). Captured by the French and carried into Martinique, he was presently put on board a ship bound for France. Roused by the taunts of the master, he, with one other English prisoner and a boy, rose, surprised the crew, threw the commander overboard, and brought the vessel into Chesapeake Bay a prize.

Census of
Maryland.
Impoverish-
ment of the
Tobacco
Colonies.

A census of Maryland is given (1210.iii.).

The reference just made to protested Bills of Exchange is only one indication of the impoverishment of the Colonies due to the war, and, in the tobacco Colonies, to the low price of tobacco, arising from the resulting loss of markets and restriction of trade. The condition of the

tobacco trade was, indeed, causing much searching of heart, more especially as the low prices, restricted markets and irregular supplies from home were inducing the planters to turn to other crops and manufactures, which seemed to threaten the English monopolies. Col. Quarry analyses the situation (*pp.* 142, 143). For fear the demand for Colonial tobacco should be still further checked, steps were taken to prevent the establishment of tobacco-manufacture in Russia by English merchants (1047, 1069, 1134).

The Quota. In these circumstances, both Col. Quarry and Governor Nicholson, as well as the Agent of Maryland, suggest that it would be well to abstain from pressing the Tobacco Colonies at present to make their required contribution to the defence of the New York frontier. The Virginian and Pennsylvanian Assemblies were less inclined than ever to contribute their Quota, and the 300*l.* voted by Maryland had been in some sort conditional on the contributions of the other Provinces (361, 519, *pp.* 144, 148).

Surinam. The claim of Jeronimý Clifford against the States General in connection with his estates in Surinam *etc.*, still remained unsettled. At the beginning of 1704 his accounts were referred by Order of Council to a committee of merchants (78). But it was not till over a year later that the unfortunate claimant obtained from them a report in his favour, confirming his assertions of barbarous treatment and of substantial sums due to him (1111, 1127, 1128). These reports were approved at the Privy Council, and there for the time the matter rests (1231). In the meanwhile the resources of the unhappy planter had been exhausted; he was arrested for debt and lay in Fleet prison, and would have starved (1082, 1086) but for an allowance from the Treasury.

II.

WEST INDIES.

Barbados.
The Absent-
ing Members. In Barbados a peculiar constitutional crisis had arisen, seven members of the Assembly having absented themselves from the House with the intention of bringing all

And the
Suspended
Councillors.

legislative business to a standstill for lack of a quorum, and so forcing a dissolution. In their Address to the Queen they state their case and demand a Commission of Enquiry. They charge the Governor with receiving presents contrary to his Instructions, and with other minor offences, which they fail to substantiate, such as favouring the Jews and disaffected Scots (570*i.*, 674, 923, 1063). Nor was this all. The Governor, Sir Bevil Granville, suspended four of the Council, whom he accused of fomenting faction by encouraging the absenting members of the Assembly. The four Councillors, on the contrary, asserted that they unanimously condemned such conduct; that the whole difficulty arose from the introduction of the Bill for raising standing forces, which not only involved a great tax upon the inhabitants' time, but was also a device for putting 3,000*l.* a year into the Governor's pocket, to compensate him for the loss of presents from the Assembly by the recent rule. He was determined, they allege, to find any excuse for suspending them, in order to pass that Bill through the Council. And they complain of his arbitrary and tyrannical procedure, and accuse him of transgressing his Instructions (431). Sir Bevil, however, and his Agents represent the matter as the outcome of factious opposition on the part of a greedy minority who had seized the management of affairs and used it to repair their own broken fortunes, when the Government was being administered by the President and Council, and when Council, Assembly and the rest of the people were "employed in quarreling and tearing one another to pieces" (432, 568). The trick of absence had been used frequently before the present Governor's arrival (*p.* 467); on this occasion it was resorted to when the absenting members had failed to secure the re-appointment of the Treasurer, and were therefore afraid that the peculations in which they had been concerned might be brought to light (656, 839, 1542).

The Governor explained that he had been at length obliged to make an example of the ringleaders, and that his action had certainly been justified by events, for both in the Assembly and the Courts of Justice business was at last being dispatched smoothly and rapidly (568, 839,

1120). An abstract of cases in the Courts provides a mine of names of litigants in those days (668.i., ii.). After weighing the evidence, the Council of Trade report, on the whole, in favour of the Governor; most of the charges brought against him are dismissed as not proven; but he is blamed for accepting certain sums from the Assembly in defiance of his Instructions (992). The Secretary, Alexander Skene, is found guilty of great irregularities and of exacting extortionate fees, and is ordered to be prosecuted and suspended from his office till his defence is made known (591, 657, 658, 1268, 1306, *p.* 469). The four suspended Councillors, on making their submission to the Governor, are to be restored (*No.* 1267, *p.* 472).

As to the absenting Assemblymen, the question of punishing them was raised at the Privy Council (624), but was dismissed on grounds of general policy (840, 984). The Council of Trade suggest, as a preventive measure, the return to a smaller quorum—the number having been raised to 15 by an Order of Assembly, which was declared by the Law Officers of the Crown to be irregular (623, 840). It was left to the Government of Barbados to provide a remedy against a repetition of similar obstruction (1267).

Adminis-
tration of
Justice.

Meantime complaints had continued to come to hand as to delays in the administration of justice in cases where Members of Council or Judges were themselves concerned (134, 180). Directions were sent to the Governor to suspend any Judge or Councillor who should cause such obstruction (169, 170, 185), directions which were presently repeated upon the occasion of similar complaints (441, 623, 1029). The Council of Trade drew attention to the growing abuse by which the place of Councillor in the Plantations was being sought at home as a means of escape from justice, and in the Instructions drawn up for the Governor of Virginia, special directions are given in order that Members of Council should not shelter themselves behind their privileges (623, *p.* 492).

Amongst the ringleaders, of whom Sir Bevil had made an example, were Chilton, the Attorney General, and Lillington, one of the suspended Councillors. They were tried by a packed jury, as was said, and found "guilty of high misdemeanours" (1196, 1368.i.). Upon the latter's

appeal, his heavy fine was remitted, and enquiry ordered to be made into his case (1387.i., 1405). This Order was annulled in December, when he was granted leave to make a fresh appeal (1483, 1484).

Defence. Col. Lilley's trenchant criticism of the defences of the island (1167, 1167.i.) bear out Sir Bevil's statement that the President and Council had been so occupied with party faction that the fortifications had been allowed to go to ruin (1167.i.). To the same cause is ascribed one of the reasons alleged by Codrington for the failure of the expedition to Guadeloupe, the omission of the Government of Barbados to send him timely notice of the arrival of Commodore Walker's fleet (74, 299, 300, 568). But whilst Militia service was unpopular and inadequate, and the island lay open to invasion, French privateers infested the seas. Once more the request was made for more and better men-of-war to protect trade (1167.i., 348, *p.* 254), whilst a petition was forwarded for some regular troops to relieve the planters from the necessity of self-defence (756). They urge that the island is being depopulated and that the inhabitants are in a fair way to be ruined, thanks to the war and the heavy duties upon sugar. Furthermore, great damage was done to the shipping by a violent hurricane in September, 1705 (1343).

Depressed
state of the
Planters.

Hurricane.

Demand for
Schools and
free Educa-
tion for the
Poor.

The
Bahamas.

A Grand Jury deplores the lack of good schools, and proposes that an Act should be passed to provide free education for the poor (*p.* 577).

The Bahamas still lay desolate. But further details are reported of the revolting cruelty practised by the Spaniards upon their prisoners when Providence was taken (1330).

Bermuda.
Revenue
and Habeas
Corpus Acts.

In Bermuda, as elsewhere, the Colonists were unwilling to settle a permanent Revenue, and the Lieutenant-Governor dissolved the Assembly when they insisted that it was their right to appoint a Collector (16, 253). However, the disputed Revenue Act, which had been passed in Col. Day's time, and which some of the Assembly declared to have been for two years only, now received the Royal Assent as a perpetual Law, no such clause of limitation appearing upon record (16, 457, 490). On the other hand an Act which extended the Habeas Corpus Act to the

inhabitants of Bermuda was repealed as infringing the prerogatives of the Crown, but at the same time Instructions were given to the Lieutenant-Governor with a view to securing the liberty of the subject, as had been done in a like case in Barbados (475, 487, 509.i.). An Act to prevent outrages by negroes was also repealed, on the grounds that the punishment provided was "inhumane and contrary to all Christian Laws" (1081).

Edward
Jones.

Unfortunately for the internal peace of the Island, the charges brought against the Secretary and Provost Marshal, Edward Jones, in 1701, were regarded as not sufficiently proved, and he was restored to his offices upon making his submission to Col. Bennett (41, 139, 235, 258). His return was the signal for another outburst of dissension, and it was not long before he had brought all the business of the Courts and administration to a standstill, his claim to act as Clerk of the Council, Assizes and Court of Chancery, by virtue of his Commission as Secretary, being met by a flat refusal on the part of the Judges and Councillors to sit (501, 999, 1009, 1155, 1363, 1365).

Economic
Changes.

An enquiry into the causes of the decrease in the amount of tobacco that was now being grown, produced an interesting account of the changes in the economic conditions of the Island (1205.iii.).

Jamaica,
Kingston
and
Port Royal.

As regards Jamaica, the three Kingston Acts, which had caused so much searching of heart in 1703, were repealed, and Kingston and Port Royal set once more on an equal footing (63, 83). For his services in securing the passing of the Revenue Bill, Handasyd was rewarded with the full Governorship (25, 63, 96). He was instructed to press the Assembly for absolute provision for quartering the two Regiments, under penalty of their being recalled (107, 151, 152). Jamaica, however, was not likely to be

Handasyd
rewarded.

Defence.

left defenceless. A demand for a further increase of naval strength and of the garrison was at once sympathetically considered (390, 394, 440). In pressing this demand, the Agents for Jamaica stated that the evil system of pressing, added to the devastation of the great earthquake and recent sickness, had so sorely reduced the white population, that they were scarcely sufficient to defend themselves against their own negroes (437). The Governor

also declared that they were more apprehensive of their own negroes, who had made a small insurrection, than of the foreign enemy (*p.* 224). The Council of Trade recommended that the frigates despatched to that station should be fully manned, in order to avoid pressing (440).

Raids
repulsed.

The rumour of an intended attack in force by the French fleet did not, however, terrify Handasyd, who was confident of giving the enemy a hot reception (348, 739). Frequent raids by privateers were met with spirit and success by soldiers and planters, who were determined, in the event of a greater emergency, not to part with their "beef and pudding without bloody noses" (71, 164, 400). H.M.S. *Seahorse* was lost on the rocks in securing a privateer (295).

Quartering
the
Soldiers.

Mr. St. John, in a letter to Robert Harley, calls attention to the hardships of the soldiers serving in Jamaica (547, 554, 557). Governor Handasyd describes his regiment at Port Royal and Spanish Town as exposed to the tropical heat and rains, left to lie upon the guns for beds and with the "Heavens for their Canopee" (902). The Assembly, in spite of all pressure, seemed determined to discourage their defenders. First (April, 1704) they passed an Act for their subsistence, but with a clause debarring soldiers from sitting in Assembly (*p.* 172); then, in September, after denouncing their Governor as arbitrary, they proposed to make no allowance at all for the officers, declaring that they had no need of them, whilst they resolved that no Councillor, Judge, Justice or Assemblyman should serve in the Militia. This, as Governor Handasyd observes, would mean that very shortly they would be officered by Jews and Blacks alone (739, 754).

Irregularities
of the
Assembly.

As in New York, the Assembly declared that the Council had no power to amend Money Bills; they endeavoured to make all officials accountable to the Assembly, and committed themselves to other proposals, such as voting by ballot in the Assembly, to which the Council of Trade took exception, urging men of influence at home to write to their friends and bid them cease from such irregularities (929.i.).

Mr.
Totterdell
and his
party.

The fire-brand Totterdell, who led the opposition to the Government, was proceeded against for using seditious language, and was expelled from the Assembly (356, *p.* 172). But he continued to prove troublesome, and the Governor confesses that his party is a strong one (902, 903). When the Assembly met again in July, 1705, Handasyd hoped that he had broken "the factious knott" (1262, 1303), but the Quartering Act again proved a stumbling block. Handasyd was obliged to pass it in order to save the soldiers' lives, although it contained such clauses tacked on to it as compelled him to recommend its repeal. One such clause excluded all foreigners from serving in civil employments or the Militia, "by which severall Scotch, Dutch and French gentlemen, who have served in both capacities these 20 years, and are as substantiall men as any in the island, and as good subjects to H.M., are made incapable of both services, which is a great discouragement to Forreigners settling here, where white people are so much wanted" (1459). The need of settlers is again referred to in an estimate of the exports from Jamaica in 1704, which sets their value at over half a million—a sum which might be increased "to at least five times this value, if there were a sufficient number of white men to carry on the planting" (36).

Exports and
need of
Settlers.

Gulf of
Campeche.

The idea of appointing a Governor over the English settlers and logwood-cutters in the Gulf of Campeche, in order to claim that territory when peace should be negotiated, was advanced by Handasyd (164.ii.), but was not regarded as feasible during the stress of Marlborough's campaigns on the Continent (293).

The Leeward
Islands.
Col.
Codrington.

Writing from Antigua, Col. Codrington enlarged further upon the failure of the expedition to Guadeloupe (74) [see *C.S.P.*, 1703]. He plumed himself much on his services in obtaining an Act for settling the Courts in Antigua, of which he says that "it is a much better Act of Courts than is anywhere in the Indys, or perhaps anywhere else" (135, 148, 158, 296). It was not, however, thought fit to be confirmed (1420).

Sir William
Mathew.

His successor, Sir William Mathew, had hardly time to do more than send a review of the islands and to ask for some guns and another frigate, before he died

(544, 874). Codrington at once applied to be reappointed to the Government, and his application was supported by the Council of Trade (95, 705, 933, 942). Unfortunately, as events were to prove, Col. Parke was appointed, as a reward for bringing the good tidings of Blenheim to his Sovereign (980, 1113). He had been spoken of as the new Governor for Virginia, but had asked for it some hours too late (*p.* 432). In the meantime the Government devolved upon the Lieut.-Governor, Johnson, who turned his attention with great zeal to the defences of Nevis (711, 1344). But at St. Kitts he could not persuade "the unaccountable people" of that island either to make new fortifications or to repair the old (1215).

Col. Parke.

Lieut.-
Governor
Johnson
fortifies
Nevis.

Defence.

Yet the proper defence of the islands was urgent. Col. Parke insisted that the number of soldiers ought to be made up to at least 500, and the Council of Trade gave their opinion that the islands could not be safe with less (1141, 1157). But here as elsewhere the soldiers of the garrison were treated as pawns in the game of local politics, and St. Kitts refused to provide them with quarters (1281). As in the case of Jamaica, the Council of Trade threatened their withdrawal (1419). Not that the presence of the enemy was unfelt. No less than 36 privateers were reported to windward, so that it "was morally impossible for any ship to escape them" (969).

The French
part of
St. Kitts.

Echoes of the capture of the French part of St. Kitts occur in references to the question as to the legality of levying the $4\frac{1}{2}$ *per cent.* on exports from that territory. An order to levy that duty was issued under the Great Seal (4, 24, 26, 54). When the Lieutenant-Governor refused to pass an Act of the Assembly which subjected the inhabitants of the newly conquered territory to taxation without representation, and at the same time infringed the prerogative of the Crown, the Assembly immediately retorted by turning the soldiers of the garrison out of their quarters (1345, 1346). By a court martial at Martinique M. de Gennes was found guilty of flagrant cowardice in having surrendered to Col. Codrington without striking a blow (1025.i.).

Newfound-
land.
Decay of
the Fishery.

Although, owing to the capture of H.M.S. *Coventry* and some of the ships under her convoy by the French, the

Board of Trade received no replies to their enquiries from the Commodore of the Fishery (292.i., 511, 719), the history of Newfoundland is fuller these years than in many previous ones. It is mainly a history of successful French raids and of the decay of the fishing industry. This decay was due, according to some practical observers, in part to French aggression and hostile tariffs, but in part also to Scotch competition and the debauching of the inhabitants by the Americans (1373).

Mutiny of
the
Garrison.

Capt. Lloyd
suspended.

Goaded to desperation by their long hardships and the ill-treatment and impositions of their Captain, Thomas Lloyd, the garrison at St. Johns petitioned the Commodore to suspend him and send him home with their petition to be relieved, under threats of wholesale desertion (596.i.). Capt. Bridge consented, and appointed in his stead Lieut. Moody, who had also signed the petition (596.vii., 598). The complaints of the soldiers, were supported by a petition from some of the inhabitants (606). Lloyd in his defence ascribed the mutiny to the intrigues of Lieut. Moody and the bibulous Minister, Mr. Jackson. Capt. Bridge supported him (704, 753). The Council of Trade found the charges not proven, and recommended the relief of the garrison and the recall of Mr. Jackson (812, 790, 907, 1373). Whatever the truth as to Lloyd's behaviour may have been,—and it is rendered more difficult to extract it, owing to the readiness of many of the inhabitants to sign and to recant affidavits when in a state of terror or intoxication—Lloyd soon gained the ear of Ministers at home. He and others eagerly represented

Projected
expedition
against
Placentia.

that Placentia must be taken : that Admiral Grayden, if he had assaulted it last year, would certainly have succeeded ; and that with 500 soldiers Lloyd himself would easily reduce it, provided they were despatched with secrecy and by July, 1705 (69, 626, 967). The idea was taken up. But whilst preparations were being made, news arrived that the French had struck the blow, which had long been dreaded (2, 1056). A combined force of French and Canadian Indians, under M. Subercasse, had surprised the harbour of St. Johns and laid siege to the Fort. It is evident that no watch was kept either in the Fort or the Harbour, partly owing to a squabble between

The French
surprise
St. Johns.

Lieut. Moody and the inhabitants as to their doing duty, partly owing to such want of discipline as is indicated by the fact that the guns were covered with snow and that the enemy were discovered by a tippling soldier. But, however lax in taking precautions, Moody proved brave in action, and after a half-hearted siege of five weeks the enemy retired with loss, the Canadians and Indians continuing their march of devastation and bloodshed as far north as Bonavista (1056, 1206, 1242). There was some suspicion of treachery on the part of some of the inhabitants, who, in their turn, accused Moody of extorting extravagant prices from them for provisions supplied to them in the Fort during the siege (1185, 1187, 1192, 1242). Fresh raids were made in the summer and autumn on the remaining English settlements by the French and Indians from Canada. Prisoners were barbarously murdered, hostages carried off from Bonavista as security for a ransom, and the country generally was reduced to a deplorable condition (1379, 1472). Meanwhile the merchants concerned had at once petitioned for reinforcements to be sent (1207), and the wise project of establishing a Militia was mooted among other proposals (1218.i.), and backed by the Council of Trade (1241).

Project for
a Militia.

Expedition
against
Placentia.

It was determined to retaliate by sending an expedition of 460 men against the French settlements and especially Placentia. It was decided that the Commodore should no longer command the land forces when at Newfoundland (1032.i., 1147). Capt. Lloyd was appointed to the command, and he received his instructions in August (1228, 1326). The expedition was to be conducted with all imaginable secrecy (1328). But owing to great delay in starting, Lloyd did not arrive at Newfoundland till November, a delay which he had warned Ministers might be fatal to his projects (1339, *p.* 640). His arrival with reinforcements was at any rate welcome to the inhabitants, who received him with joy, and explained in an Address of thanks to the Queen that a previous petition in favour of Lieut. Moody had been forced from them (1457).

A French prisoner mentions incidentally that the French explorers had found their way from Canada to the South Sea (315.i.).

Tobago,
Trinidad and
the Virgin
Islands.

A "Professor of Phisick and Chemistry" applied for a Charter to settle Tobago, Trinidad and the Virgin Islands, offering as a *quid pro quo* to endow a college on the former, and to found a hospital near London for infants and men invalided in the service (123).

Terms and
Phrases.

"Lords of the Cabinet Council" is used apparently to indicate the Committee of the Privy Council (1218.i.).—The "several Colonies in the Plantations" is a phrase which shows how dominant was the term "Plantations" in the sense in which we should now use "Colonies" or "Empire" (1322). "I will endeavour to do some for him" might be mistaken for a modern Americanism (1351).

Indian
terms.

Amongst Governor Nicholson's correspondence are to be found early instances of two Indian terms, *matchicomico*, an Indian durbar (*p.* 416), and *huskanared*, a word used in connection with the native ceremonies of initiation into manhood (*p.* 432).

Travelling
in the xviiith
century.

That the difficulties of travelling experienced by many Governors were not confined to the Plantations, is shown by Mr. Jennings of Virginia, who, in the depths of winter, was obliged to wait for over a fortnight before he could secure a place in a coach from London to York (124).

Keeping of
Records.

In his Instructions, Governor Nott is directed to see to it that the Records of Virginia are well and carefully kept. The instruction was necessary, if we may judge by Mr. Usher's account of the destruction of records in New Hampshire, and the confession from the Leeward Islands that "wee cannot preserve our Records so authentick as wee would, by reason of the vermine and other casualties" (*pp.* 53, 523).

These natural drawbacks were added to by the difficulty of getting clerical and official work done by poorly paid Deputy-Secretaries in the absence of the holders of Patent Offices (316, 860). An instance of the haphazard way in which justice was sometimes administered in the Colonial Courts is supplied by Lord Cornbury, who, in applying for a Statute-book, confesses that his own copy carried him no further than the reign of Charles II. In any case confusion was likely to occur when no record was kept in the Secretary's Office or the Council Books as to whether

Postal
Services.

Acts had been confirmed or repealed (*pp.* 193, 387). Such lapses added to the inconvenience of primitive postal arrangements, and the hazards of the sea (343, 427, 523, 1458, *p.* 589). Mr. Dummer's service of packet-boats had, indeed, in spite of occasional captures by the French, proved successful beyond expectation ; but, in spite of that, Lord Cornbury had to complain that he had not heard a syllable from England for seven months (1049, 1374, *p.* 564).

A proposal to extend the packet-boat service to Newfoundland was dismissed as impracticable (1379, 1395, 1409).

*Journal of
Council of
Trade.*

The *Journal of the Council of Trade* is now being issued as a separate publication. I have, therefore, omitted the signatures of members to their letters and representations, their attendances being sufficiently indicated in the *Journal*.

CECIL HEADLAM.

COLONIAL PAPERS.

1704.

1704.
Jan. 3.
Boston.

1. Governor Dudley to Mr. Popple. *Enclosing*, An Act of New Hampshire for the supply of forces, Minutes of the Assembly and Council, *etc.* *Signed*, J. Dudley. *Endorsed*, Recd. April 29, Read May 2, 1704. *Holograph*. 1 p. *Enclosed*,

1. i. List of fines and forfeitures in New Hampshire, Dec. 1695–Dec. 1702. *Same endorsement*. 3 pp.
1. ii. List of Causes tried at the Inferior Court of Common Pleas holden at Portsmouth, New Hampshire, June, 1702. *Same endorsement*. 3 pp.
1. iii. List of Causes entered at the Superior Court of New Hampshire, at Portsmouth, Feb. 1709. *Same endorsement*. 6 pp.
1. iv. List of Causes entered in H.M. Court of Admiralty in the Massachusetts Bay, from Aug. 20 to Dec. 1703. *Signed*, Tho. Newton, Dep. Jud. *Same endorsement*. 1 p. [C.O. 5, 863. Nos. 71, 71.i.–iv.; and (without enclosures) 5, 911. pp. 251–253.]

Jan. 4.
London.

2. Capt. Richards to Mr. Popple. I am ordered to Holland with my Lord Duke of Marlborow. I can't help giving my opinion, that if the inhabitants are not obliged to rendezvous at St. John's and put under direction of the officers, the enemy may improve the opportunity to dispossess us of those works *etc.* *Signed*, M. Richards. *Endorsed*, Recd. Jan. 7, Read March 15, 1704. *Addressed*. *Sealed*. 1 p. *Enclosed*,

2. i. Capt. Richards to the Council of Trade and Plantations. According to your Lordships' request, I offer these few heads, that such orders as shall be thought fitt may be given so as to oppose any undertaking of the enemy's, particularly in absence of the Convoys, at which time should they be assisted with a few hundreds from New France, the want of the inhabitants' assistance to so small a garrison may be the loss of the Settlement, such small works having frequently been carry'd sword in hand, in which they may be also favour'd by the snow. In consideration the French have 3 Companys of 50 men each, *etc.*, and doe oblige the people from the out harbours to winter with them at Placentia, and therefore render themselves formidable, it may be taken into consideration, whether the Company and Officers at St. Johns be sufficient, having severall places to occupy to the seaward,

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besides ye Fort, notwithstanding which, great part of the inhabitants both northward and southward can't be persuaded to joyn with them, the officers wanting sufficient authority to oblige them. The inhabitants' houses even at St. Johns are subject to surprize, by reason that no one work can secure the whole, their dwellings being straggling and scituation difficult. That at least may be said of other harbours proposed to be fortified, so that the effect can't be extraordinary, though the expence may. But if St. Johns be made the generall place of rendezvous during the warr, the inhabitants might build store houses under the cannon of the Fort and pallisade them in, the better to secure them against a surprize. As the New England people do continue carrying off such number of passengers, so much to the prejudice of the private and publick interest, some effectuall means should be found to prevent ye same. As many of the soldiers have deserted, and are very disorderly, pretending they ought to be relieved, it will be absolutely necessary to exchange more or less of them, and for the better maintaining of order and discipline, that there be power given to the Commander in Cheif, to try deserters and other capital criminals. The provisions should include as much flower and oatmeal as the allowance will afford; as the miscarriages of provisions may be the last ill consequence to such a garrison, it would be very proper to send by the first ships, and to have half a year's beforehand. What remains for the artificers to do at St. Johns, will be compleated next summer, except what relates to the booming the chain. But as for the removing the earth in and about the Fort and works, it must be done by the inhabitants before and after fishing, which they did, and the better sort was willing to comply, knowing how much it concerns them. For the better performance of all orders, that the Commander in Cheif may in person visitt and make survey of the works, both at his arrivall and departure, particularly to secure the wharfe of the south redoubt, its platfformes etc., the whole to be caulked and tarred etc. In absence of the Commander in Cheif of the Convoy, orders [to] be left with the commanding officer on shore for the time being. If an Engineer be continued for some time or during the warr, that he may be ordered to visitt the Harbours proposed to be fortified, and make the survey of the same. *Signed, M. Richards.* London, Jan. 3, 1703(4). 3 pp. [C.O. 194. 3. Nos. 11, 11.i.; and 195, 3. pp. 266-270.]

Jan. 4.
Boston.

3. Col. Romer to the Council of Trade and Plantations. Little progress has been made with the fortifications of Pemaquid and Piscataqua River. H.M. will only be able to depend on

1704.

the fortifications she orders if she grants very considerable assistance towards them. *Desires* leave to return to England to recover his health and not to be sent to Barbados first. The Castle [*at Boston*] being almost finished, I propose to put an inscription over the gate, for which I beg your Lordships' approbation. *Signed*, Wolfgang Romer. *Endorsed*, Reed. Read May 18, 1704. *French*. 2 pp. *Enclosed*,

3. i. Inscription proposed above. Anno Decimo tertio Regni Gulielmi tertii Mag. Brit. Fr. et Hib. Regis Invictissimi hoc Munimentum (ex ejus nomine Wilhelmi Castellum nuncupatum) fuit inceptum; Anno Secundo Regni Annæ Mag. Brit. Fr. et Hib. Reginae Serenissimæ perfectum. Anno Domini MDCCIII. A tribuno W. W. Romero *etc.* constructum. 1 p. [*C.O.* 5, 863. *Nos.* 72, 72.i.; and 5, 911. pp. 298–302.]

Jan. 4.
Whitehall.

4. W. Popple to Sir Edward Northey. *Enclosing* Order of Council Dec. 23, *etc.* The Council of Trade and Plantations desire your opinion whether H.M. be intituled to the 4½ p.e. or any other duty in that part of St. Christophers. I inclose copy of a clause in Col. Codrington's Commission relating to lands. It does not appear to this Board how far he has exercised that power in respect to the French part of [*? that*] Island. Your answer is desired with speed, for that a Commission and Instructions are preparing for a new Governor. [*C.O.* 153, 8. pp. 231, 232.]

Jan. 4.
Whitehall.

5. W. Popple to Mr. Borret. The Council of Trade and Plantations desire you to attend Mr. Attorney General with the [*above*] letter and to procure his answer with what speed you can. [*C.O.* 153, 8. p. 232.]

[Jan. 4.]

6. Nicholas Hallam to the Council of Trade and Plantations. *Refers to Memorial of Dec. 3* on behalf of Mohegan Indians, and begs for speedy Representation thereon, so that effectual orders for their relief may be sent by some ships already at Graves End. Some small presents from H.M. to the Sachem Owaneko *etc.* would be esteemed as an earnest of H.M. favour *etc.* *Signed*, N. Hallam. *Endorsed*, Reed. Read Jan. 4, 1703(4). 3 pp. [*C.O.* 5, 1262. *No.* 61; and 5, 1290. pp. 404–407.]

Jan. 5.
Whitehall.

7. Council of Trade and Plantations to the Queen. Laying before H.M. the draught of a Commission for Col. William Mathew to be Governor of the Leeward Carribbee Islands *etc.* [*C.O.* 153, 8. p. 233.]

Jan. 7.
Whitehall.

8. W. Popple to Josiah Burchet. The Council of Trade and Plantations desire to know what directions H.R.H. has given upon their Report relating to convoys. [*C.O.* 324, 8. p. 317.]

Jan. 7.
St. James's.

9. Order of Queen in Council. Col. Mathew's Commission [Jan. 5] to be prepared for H.M. signature. *Signed*, John Povey.

1704.

Endorsed, Recd. Read Jan. 13, 1704. $\frac{3}{4}$ p. [C.O. 152, 5. No. 43; and 153, 8. p. 234.]

[Jan. 7.] **10.** Copy of Order of Council, Dec. 10. 1696, relating to allowances for Commissioners sent to survey Naval Stores in N. England. *Signed, W. Bridgman. Endorsed, Recd. 7th, Read Jan. 13, 1704.* 1 p. [C.O. 5, 863. No. 73.]

Jan. 8.

11. Affidavit of Nicholas Hallam [*Cf.* Dec. 3, 1703]. Three or four years ago the General Assembly of Connecticut Colony granted liberty for a township called Colchester, and some time the last spring this deponent was desired by Capt. Samuel Mason on behalf of the Mohegan Indians to assist in running the line between New London North bounds, and the Indian lands called Mohegan Lands belonging to the Mohegan Indians; but this deponent and those who were employed to run the line could not agree in running the same by reason of variation in the compass which was best part of a point. This deponent went with some of the Mohegan Indians down to Norwich River where the said Indians shewed him a rock in the said River, saying that was the bounds between New London and them. When he came to the said river, (it being a cold snowey day) he met about fifty or threescore Mohegan Indians, men, women and children in a very poor and naked condition, many of them crying lamentably, whereupon he asked them the reason of their being in that condition, who told him the Governor had been up there that day and had drove them from their planting land which they had enjoyed ever since the English came into the country, and that they were not willing to leave the English unless they were forced to it. In May last, being present in the said General Assembly at Hartford, he saw several of the cheif of the Mohegan Indians there, who said they came to see if they could get their lands again. Deponent then heard Capt. Daniel Clark, who is one of the patentees named in Connecticut Charter, declare publickly on behalf of the said Indians that they were wronged, and that the said Indian lands had been taken from them contrary to agreement between the Government of Connecticut Colony and the said Indians, notwithstanding which the said General Assembly enlarged New London bounds and ran the same to Norwich bounds, which takes in all the lands commonly called the Mohegan Feild, and this deponent has been very credibly informed that the abovesaid land granted to Colchester and the land called the Mohegan Land or Feild is all the land the said Indians reserved for themselves for hunting and planting, and that John Prentis, the Surveyor, has laid out of that very land for the Governour, Minister and some others to the number of 1,600 or 1,800 acres, and made a return thereof, and that the same is recorded. Deponent has heard Ben Unkas, one of the Mohegan Indian Sachems, say the Governor had wronged him, and taken his land from him, and that if he the said Sachem had money he would go for England and make his complaint, and that there are several English families live upon part of the

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said Mohegan Lands, who never bought or paid for the said land, as some of the said Indians has told and informed this deponent. *Signed*, Nicholas Hallam. *Endorsed*, Recd. 8th, Read Jan. 12, 1703. 1 p. [*C.O.* 5, 1262. No. 63; and 5, 1290. pp. 408-411.]

Jan. 8.
Treasury
Chambers.

12. Wm. Lowndes to Mr. Popple. *Encloses following*, which his Lordship desires you to lay before the said Council of Trade and Plantations to the end they may please to transmit to his Lordship the instances of fact, where any goods have been carried from H.M. Plantations to the Dutch, and the commodities of the growth of Europe suffered to be brought to the said Plantations in exchange from the Dutch contrary to the Acts of Trade. *Signed*, W. Lowndes. *Endorsed*, Recd. Read Jan. 11, 1704. *Addressed*. *Sealed*. $\frac{3}{4}$ p. *Enclosed*.

12. i. Commissioners of Customs to the Lord High Treasurer. *Quote* Representation of Council of Trade, Oct. 29, 1703. Pursuant to the laws of this kingdome, we have given repeated instructions to the Governours and Officers in all H.M. Plantations, that they permit none of the enumerated Plantation commodities to be laden or put on board any ship or vessell, until bond be given with sufficient sureties to carry the same to England, Wales or Berwick, or some other of H.M. Plantations, and that no goods or commodities of the growth, production, or manufacture of Europe (but such as are by law excepted) be imported into any of the said Plantations, but what shall be shipt and laden in some port or place of this kingdome, and in ships duly qualified both as to built, property and navigation. And if the Council of Trade and Plantations will give us the instances of fact before them where any goods have been carried from H.M. Plantations to the Dutch, and the commodities of the growth of Europe suffered to be brought to the said Plantations in exchange from the Dutch, contrary to the Acts of Trade, wee shall from thence be enabled to ground a charge against the officers whose duty it was to have prevented the same, and to give such fresh orders and instructions as may be effectual for exciting them all to greater diligence in putting the laws in execution. $1\frac{1}{2}$ pp. [*C.O.* 323, 5. Nos. 33, 33.i.; and 324, 8. pp. 318-321.]

Jan. 10.

13. Sir Henry Ashhurst to the Council of Trade and Plantations. In reply to letter of Jan. 4. The Government of Connecticut could not have the least notice of Hallam's complaints and therefore it is impossible I should make any answer from them. I hope you will not credit the report without further information, since it is made by one who hath lately given the Government a great deal of trouble in bringing an Appeal to make void a will which hath been acquiesced in 14 years, and is confirmed but a few days ago by the Lords of the Council. It

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is believed there is as little ground for this complaint, and that it is not a complaint of the Indians any otherwise then encouraged by some English there upon some ill designe, *etc.* Signed, Hen. Ashhurst. *Endorsed*, Recd. Jan. 12, 1704³/₄. *Holograph*. 1¹/₄ pp. [C.O. 5, 1262. No. 62.]

Jan. 11. **14.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Having on Oct. 29 transmitted an account of the incidental charges of this office, we lay before your Lordship a further account to Christmas amounting to 147*l.* 15*s.* 8*d.* *Annexed*,

14. i. Account referred to. Examined by the Board. [C.O. 389, 36. pp. 167, 168.]

Jan. 11. **15.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. *Recommend* the petition of the Clerks of the Office [Cal. 1703, No. 1404] to be exempted from taxes. To have such large deductions made from their small salaries makes it difficult for us to find Clerks capable of the service. *Propose* that the taxes be placed to the account of incidents as they become due. (The salaries vary from W. Popple 100*l.*—taxes 12*l.* 10*s.*, to Mary Wright, necessary woman, 30*l.*, taxes 3*l.* 15*s.*) [C.O. 389, 36. pp. 169, 170.]

Jan. 11. **16.** Lt. Governor Bennett to the Council of Trade and
Bermuda. Plantations. *Acknowledges letter of July 28 and duplicates.* Refers to his of Aug. 9. In answer to yours of June 18, 1703, all care shall be taken to word our Acts accordingly. As for the Liquor Act passed in Col. Day's time, I have now transmitted a copy of it under the Seal of the Island, as it stands on Record, but when I enquired for that which is called the original Act, it could not be found, nor any Journals nor Minutes relating to the same, upon which the Assembly addrest me, that I would allow them to prepare interrogatories by which the Members of the Assembly, that were soe att the time of making that Act, might be sworn and examin'd to, for the doing whereof I ordered a Commission to be directed to three of the Council to take their Depositions, copies of which are annexed to the Act now sent. I strictly examined Mr. Minors, the Secretary, about the word *original* being struck out, and the word *Record* interlin'd in the copy of that Act transmitted to Col. Day, but he affirms he remembers nothing of it. I beg your Lordships' pardon for being so forward in believing the assertions of the Assembly in the Preamble of that Liquor Act passed by me, but I did not imagine that they could be wanting in proving what they so positively affirm'd, and was seconded by most of the now Council, and besides that Act was brought me when a ship was seen off and bound in from the Maderas laden with wine, which was another reason that I had not time to search so nicely into matters, for she paid considerably towards the support of the Governmt. I should be glad to hear that it were your Lordships' opinions that the Act passed by Col. Day was an indefinite one, for pursuant

1704.

to your Lordships' commands and H.M. Instructions I prest the Assembly to pass a New Revenue Act without limitation, but all to no purpose, and it's my opinion they never will, for they were soe far from complying that they sent me by a Committee an Act determinable in one yeare, and therein nominated a Collectour to receive what money should arise by the same, which by my Instructions I am positively commanded to constitute that Officer, whereupon I sent the Secretary to them with a copy of that article in my Instructions, but it argued nothing, they still insisting that it was their undoubted right to appoint a Collectour or Receivour, and that they could not without violation of their oathes and the trust reposed in them, relinquish it, upon which I sent for the Speaker and the House, and told them I thought it high time to send them home, when they own'd to have taken an oath to insist on what they knew was contrary to my Instructions, and accordingly dissolved them. A new Assembly are to meet next month, but I am satisfied the major part of the Members will be the same, and I expect the like management. My patience with Mr. Larkin and rejecting the constant solicitations of the Councill and Country sooner to have confin'd him, has lessened me extreemly in the opinion of the people, for what they now so insolently insist on, they never before (either through respect or awe) ever pretended to mention. I have been soe continually employ'd in preparing accounts concerning him, that it has taken up mine and the Secretary's whole time *etc.* I will now take care dilligently to transmitt as fast as possible authentick copys of all publick proceedings. I expect Capt. Nelson will by his son complain I deny'd him writts of error upon proceedings att Common Law after he had appeal'd to Chancery, and a decree made to confirme the verdict att Law, a full state of which I'll (if possible by this conveyance) send to my Brother, who on occasion will attend your Lordships therewith. *Signed*, Ben. Bennett. *P.S.*—On Dec. 20 was brought in a French ship about 200 tuns, 17 men and 6 guns, which was taken off the Bank of Newfoundland by one Capt. Bale; she has nothing on board but about 2,000 bushels of salt and a small quantity of fish. *Endorsed*, Recd. June 9, Read July 6, 1704. *Holograph*. 4 pp. [*C.O.* 37, 6. No. 10; and 38, 6. pp. 2-7.]

Jan. 12.
Whitehall.

17. W. Popple, jr., to Wm. Penn. The Council of Trade and Plantations enclose an extract of a letter from Sir T. Lawrence, Oct. 25, 1703 (q.v.) relating to the disorderly behaviour of some Quakers of Pennsylvania in Maryland, "that you may take care to give such directions that they do not by such proceedings any more disturb the neighbouring Provinces." [*C.O.* 5, 1290. pp. 407, 408.]

Jan. 12.
Barbados.

18. Governor Sir B. Granville to [? the Earl of Nottingham]. *Acknowledges receipt of letters etc. Signed*, Bevill Granville. *Endorsed*, R. March 30, 1703½. *Holograph*. 2 pp. [*C.O.* 28, 38. No. 20.]

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Jan. 12.
Barbados.

19. Governor Sir B. Granville to the Council of Trade and Plantations. The West India packet boat arrived the 9th inst. and brought me your Lordships' letters of Oct. 28 and Nov. 24. I shall very carefully observe all your directions *etc.* I have employ'd Capt. Hayes as Ingenier, and made use of him about the fortifications: I find him very well qualify'd and very industrious, and being upon the place and season'd to the country I doe humbly recommend him to be put upon the establishment here in the room of Capt. Sherrard decd. I cannot get in time to send now a particular account of the number, lading and value of the prizes, but shall send it by the very next conveniency. I have never taken into my hands any prize that has been brought in here, nor meddled with the produce; they have all bin tryed before the Court of Admiralty and after condemnation put into the hands of the Marshall and Prize Officer, who sell them at outcry. The Receiver of the Queen's Casual Revenue takes care of H.M. share, and H.R.H. Patent to me as Vice-Admiral directs me to receive all his dues whatsoever, and to be accountable if required. There did an Act passe here in my Lord Grey's time which gave away all to the captors, but it is my opinion that without H.M. own consent nothing that is due to her can be taken away, since my time therefore no regard has bin had to that Act, but all proceedings in the Court of Admiralty have bin pursuant to H.M. declaration. No orders are come yet about the payment of the Gunners, if the next packet should not bring them, those people will be in a poor condition. The want of a new commission for the tryal of pirates was no apprehension of my own, but the opinion of the Lawyers, who still persist in it, as your Lordships will see by the enclosed. *Signed, Bevill Granville. Endorsed, Recd. March 30, Read 31st, 1704. Holograph. 4½ pp. Enclosed,*

19. i. Report of the Solicitor and Attorney General of Barbados that H.E. not having received the Commission for trying pirates there, no prosecution could take place. *Signed, E. [Chilton], W. [Rawlin]. Endorsed as preceding. 1½ pp. [C.O. 28, 7. Nos. 11, 11.i.; and 29, 8. pp. 420-422.]*

Jan. 12.
Barbados.

20. A. Skene to Wm. Popple. H.E. directed me to send you over duplicates of the Minutes of Councill May 11 to Sept. 28; and also the last three months' Minutes, but not being able to compleat them before the sailing of the packet, I have only sent the duplicate of the others, the Acts and the whole Proceedings relating to Capt. Gillingan, the which I had particular direction for. *Signed, A. Skene. Endorsed as preceding. Sealed. Addressed. Postmark. 1 p. [C.O. 28, 7. No. 12; and 29, 8. p. 423.]*

Jan. 12.

21. Mr. Bridger's Account of the money received by him during his stay in New England. *Signed, J. Bridger. Endorsed, Recd. Read Jan. 13, 1704. ¾ p. [C.O. 5, 863. No. 74.]*

Jan. 13.
Whitehall.

22. Council of Trade and Plantations to the Lords Proprietors of Carolina. In answer to yours of Nov. 16, we desire you to

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inform us what forts, guns and ammunition are there, and in what posture of defence that country is, in case the enemy may make any attempt upon it, as likewise in what particulars your Lordships desire our concurrence in obtaining H.M. assistance. [*C.O.* 5, 1290. *p.* 412.]

Jan. 13.
Whitehall.

23. Council of Trade and Plantations to the Queen. Having formerly laid before your Majesty the great irregularities daily practized in the Proprietary Colony of Rhode Island and Providence Plantation, we humbly take leave to repeat, that the Governour and Company of the said Colony have refused to submit to your Majesty's Commands relating to their Militia, during the time of war, when required and pressed to do it, in your Majesty's name, by Coll. Dudley your Majesty's Governour of the Massachusetts Bay; that they have declined to transmit authentic copies of the Acts of their Assemblies, or Laws, and at length, (vizt. May 27, 1699) sent only a very imperfect abstract thereof till that time and none since, tho' the inspection of such laws in order to your Majesty's approbation or disallowance, as is practized in all Plantations under your Majesty's immediate Government, be more especially there necessary; that they have harboured pirates, encouraged illegal traders, admitted and protected soldiers that had deserted, and fugitive servants from the neighbouring Plantations; that for carrying on illegal practices in matters of Trade and Navigation they have erected an Admiralty Jurisdiction amongst themselves without any authority, and refused to yeild obedience to the Courts and Officers vested by H.R.H. the Lord High Admiral with due authority for the tryal of marine and other causes appertaining to such Courts in those parts, and have not permitted the Collector and Receiver on behalf of H.R.H. to have anything to do therein, particularly in the case of a ship of 5,000*l.* value carried in thither by a Boston privateer. Upon which subject we humbly lay before your Majesty the abstract of one of their said Acts, asserting their pretended right of Admiralty Jurisdiction, whereupon having consulted your Majesty's Attorney General in point of law, we humbly offer that by the acknowledgement of the Act itself no such authority having been granted them by their Charter, and the said Act being only provisional untill his late Majesty's pleasure (or the pleasure of the Crown) should be further known, your Majesty would please by the declaration of your royal pleasure to determine and disannull the same, and further to direct a letter to be prepared for your royal signature wherein the Governour and Company of that Colony may be required to submit to the Court of Admiralty constituted by H.R.H. in those parts, and to the powers of Vice Admiralty vested in Coll. Dudley, and that your Majesty would be pleased strictly to forbid them to assume to themselves the power of erecting any such Court, with intimation that if they make any the like attempts for the future your Majesty will direct they shall be prosecuted to the utmost rigour of the Law. And forasmuch as upon the like complaints of misdemeanours to his late Majesty, Sir Edward Ward

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and Sir Thomas Trevor, the Attorney and Solicitor General, did report their opinion that *H.M. in case of extraordinary exigency happening to arise thro' the default or neglect of any Proprietor to protect or defend the said Province and the inhabitants thereof in times of war, or imminent danger, H.M. might constitute a Governor of the said Province, for the protection and preservation thereof, and of his subjects there*: we do humbly represent that the people of Rhode Island do still continue in their refractory proceedings to the great detriment of legal trade and encouragement of piratical and disorderly practices. We do not see how a present stop can be put to these great irregularities better than by commissionating Coll. Dudley, your Majesty's Governour of the Massachusetts Bay, to be likewise Governour of Rhode Island and Providence Plantation during the war, according to the opinion of your Majesty's learned Council aforesaid. [*C.O.* 5, 1290. pp. 413-416.]

Jan. 13.
Whitehall.

24. Attorney General to the Council of Trade and Plantations. I have considered of the Presentment of the Commissioners of H.M. Customes [*see Jan.* 4], and also of the extract out of Coll. Codrington's Instructions, and am of opinion, that those Instructions are not material in any sort to the matter contained in the Presentment, it being only a power to lett or dispose of lands; as to the Presentment, I am of opinion that the officers of the English part of St. Christopher's had no authority by virtue of the Plantation Act made there for the 4½ per cent. on goods, to levye the same for goods exported from that part of St. Christophers lately gained by conquest from the French, that law extending only to such part of St. Christophers as belonged to the Crown of England when that law was made, but H.M. may, if she shall be so pleased, under her great Seale of England direct and command that the like duty be levyed for goods to be exported from the conquered part, and that command will be a law there, H.M. by her prerogative being enabled to make laws that will bind places obtained by conquest, and all that shall inhabit therein. *Signed*, Edwd. Northey. *Endorsed*, Reed. Read Jan. 14, 1703. 1 p. [*C.O.* 152, 5. No. 44; and 153, 8. pp. 235, 236.]

Jan. 13.
Whitehall.

25. Council of Trade and Plantations to the Queen. Refer to recent Representation on the disorders in the Assembly of Jamaica, whereby the renewing of the Laws is impeded, particularly the Act of the Revenue, which is near expiring. *Repeat gist of Representation to his late Majesty* [*Cal. A. and W.I.*, 1701. No. 67, *etc. q.v.*]. Continue:—But whereas they have all this while neglected to avail themselves of your Royal favour, as of the condescension of his late Majesty herein, by not complying with the frequent admonitions given them by the Earl of Inchiquin and afterwards by Sir William Beeston, and now lately by Col. Handasyd, pursuant to your Majesty's Instructions; and the approaching term of the temporary Act past in 1683 making it necessary for your Majesty speedily to declare your Royal pleasure

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upon the perpetual Act past by the Duke of Albemarle, lest otherwise the granting of the Revenue for the support of the Government of that Island should become precarious, we humbly offer that your Majesty would please to confirm the said Perpetual Act, with directions to your Majesty's Lt. Governor or the Commander in Chief for the time being not to publish or put the same in execution in case the Assembly of Jamaica, which shall be sitting or may be called immediately upon the receipt of the Declaration of your Majesty's pleasure and confirmation of the said Act, shall before Nov. 1 next pass another Act to the same purport and altogether conformable to the Act of 1683, to continue likewise in force for 21 years, the L.G. likewise acquainting them with your Majesty's pleasure and assuring them in your Majesty's name that in case of their due compliance your Majesty will be graciously pleased to continue for 21 years longer your Royal Confirmation of all the other Laws of that Island formerly confirmed for the said term of 21 years, which will likewise expire Nov. 1. But if it shall so happen that the Assembly do not accept of your Grace and favour herein, the L.G. or C. in C. be strictly directed and required to cause Publication to be forthwith made of your Majesty's Confirmation of the said perpetual Act for raising a Publick Revenue for the support of the Government of that Island and take care that the said Act be accordingly put in execution. [*C.O.* 138, 11. *pp.* 102-106.]

Jan. 14.
Whitehall.

26. Council of Trade and Plantations to the Queen. *Refer to Order in Council Dec. 23, and Attorney General's Report, Jan. 13, relating to the 4½ p.c. in St. Kitts, and recommend that the Great Seal of England be forthwith signified to the Governor.* [*C.O.* 153, 8. *pp.* 236-238.]

Jan. 14.

27. Governor Lord Cornbury to the Council of Trade and Plantations. Hoping that this may still reach H.M.S. *Centurion* before she sails from Boston, I take the liberty hereby to acquaint your Lordships with what has pass'd in New Jersey, at the meeting of the General Assembly of that Province, which according to H.M. commands, in her Instructions to me, met for the first time at Perth Amboy, in the Eastern division of New Jersey. The qualification prescribed in my Instructions for the persons who are to elect, and to be elected, will not be advantageous for that Province, and I am persuaded the persons that proposed that regulation did not intend the good of the country ; the effects that have attended that way of electing (for I did take care that the Queen's commands should be obeyed) are (1) several persons very well qualified to serve could not be elected, because they had not 1,000 acres of land, though at the same time they had twice the value of that land, in money or goods, they being trading men ; on the other hand, some were chosen because they have 1,000 acres of land and at the same time have not 20s. in money, drive no trade and can neither read nor write, nay they cannot answer a question that is asked them, of this sort we have two in the Assembly ; the next inconveniency that the people complain

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of, in this way of electing is, that there being ten members to be chosen for each division, it may so happen that all the ten may be dwellers in one county, and the more likely to be so because the election is made but in one county, and though the election has been appointed as near as could be in the center of each division, yet a very great number of people could not come to the election, because some had above 100 miles to travel, others were afraid of the charge, especially the roads being very bad in most places where any are made. These inconveniences may all be prevented if H.M. will alter the qualifications of the persons chusing, and to be chosen, and the method of chusing; I believe it would tend very much to the service of H.M., and would be a general satisfaction to the country, indeed to everybody, except some few persons who have a mind to oppress the people. The Assembly met at Amboy, Oct. 10, I then recommended to them the settling a Revenue for the support of the Government, the settling the Militia, the passing an Act to settle and confirm the estates of all Proprietors and Purchasers of lands; accordingly they did prepare a Bill under the [latter] title, how far that Bill would have answered the title of it, will best appear by the Bill it's self *enclosed*. It is enacted that this confirmation shall be an effectual title in the law for the said proprietors and purchasers, their heirs and assigns, *etc.*; as soon as this Bill had been read once by the Council, several persons petition'd to be heard by their Counsel against it, setting forth, that if it passed as it was, great numbers of people would be divested of their estates, in which they thought they had as good a title as the Proprietors, the first people that came to be heard, were the people of Elizabeth Town, who set forth that they have a grant of the lands they possesse from Col. Nicholls, who was the first Governor sent into these parts by H.R.H. the then Duke of York, and that as this clause is worded they conceive that they should be divested of those lands, the case, as it appears to me, stands thus, Col. Nicholls coming into these parts, found the people of New York refractory and not inclinable to submit to him, but found the people of Elizabeth Town ready to obey his orders in all things, by which means the people of New York became more tractable and did submit, Col. Nicholls thought himself obliged to do something for the people of Elizabeth Town, that might be a reward for their fidelity, and upon that consideration granted them the lands they now hold, indeed it doe appear that H.R.H. the then Duke of York did grant unto my Lord Berkley and Sir George Carteret all that tract of land known by the name of New Jersey, and the Duke's grant bears date a month or six weeks before Col. Nicholls's grant, upon this the present Proprietors pretend that Col. Nicholls's grant is void, and that the people of Elizabeth Town shall hold their lands of them under the same quit-rents which they have from other persons to whom they have sold lands since, on the other hand the people of Elizabeth Town insist that Colonel Nicholls's grant to them is good, because (they say) he had power from the Duke to grant, and that his grant was made before he could know that the Duke had granted,

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they further insisted that if a grant of that nature is set aside, it will not be safe for any man to make any improvement upon any land obtained by grant from any Governor in these parts, nor to purchase any lands from any trustee, agent or attorney for any person in England, they say, they ought to pay their quit-rent to the Crown, if the Queen is willing to give that to the Proprietors, they are willing to pay to them, but insist they ought to pay no more quit-rent than was reserved in Nicholls's patents. The next are the people of Woodbridge, who say that they had a Charter granted to them by Phillip Carteret, who was the first Gouvernor sent over by my Lord Berkley and Sir George Carteret, and they say that this clause will overthrow that Charter, indeed I have seen the Charter and do think that it overthrows it's self. The next clause enacts that all and every such parts, shares etc. survey'd, taken up, etc. to all and every of the Proprietors and Purchasers within the said Western Division, is and shall for ever be assured, ratified and confirmed unto the respective Proprietors etc. The next clause enacts that this present confirmation is hereby declared a full title in the law for the several and respective Proprietors, Purchasers, etc. (and afterwards enacts that) all other Proprietors, Purchasers etc. who have as yet neglected to take up their respective shares and proportions, shall be obliged to take their equal proportions out of the lands remaining, etc. notwithstanding of their or any of them being joint tenants, or any other cause. These two last clauses are very unjust in themselves, for they are contrived both for the same ends, first to confirm the injuries some people here have done to others in England, by making that good in law, which is not so in it self, and then by a law to oblige the people injured to be content with the injuries they have receiv'd, that these would be the consequence of these two clauses will appear very plain, if your Lordships are pleased to consider that the present Proprietors of the Western Division of New Jersey, by their purchase from my Lord Berkley, are tenants in common, now here is a clause to break that tenancy in common with respect to those Gentlemen in England who have not yet thought fit to come into America themselves, nor to send any Agent to take up their shares, and that without their knowledge, the truth of the matter is, that those Proprietors who are come hither have taken up all the best of the land, and that which lies most convenient for Trade, soe that those in England must be content, (if this Bill had passed) to take their shares in the mountains. This I did not think at all reasonable, and endeavoured as much as I could, with those persons who I thought had the most interest among the Members of the Assembly and Council, to convince them of the unreasonableness of that Bill as it then stood, I told them several of the objections I had to it, that they might get them amended before the Bill came to me, but as it was contrived to answer private ends, it was impossible to get them to depart from those clauses. The next clause enacts that all shares, parts, proportions etc. that have been designed, released, granted etc. since Feb. 2, 1682, within the Eastern Division of New Jersey

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etc. is hereby declared a good title in the law, notwithstanding the want of form or any other matter, so that if one man's estate has been conveyed away to another (as I am afraid it has been done) why that conveyance was to be confirmed, and made valid in law, as well as many others, without ever producing one, to shew the necessity of such a clause. By another clause, it is enacted, that all and every particular tract of land formerly granted by my Lord Berkley and Sir George Carteret, or by their Governors and Council of New Jersey, under the Common Seal thereof, or by their agents or attornies, conform to the powers, concessions and instructions to them given by the said John Lord Berkley or Sir George Carteret, or either of them, are hereby ratified, assured and confirmed to each and every of the respective grantees etc. This clause at first sight seems to carry a fair face, but is in reality a very ill clause, it seems to confirm to the grantees their estates, but then it is only such as have been granted conform to the powers, concessions and instructions given by my Lord Berkley and Sir George Carteret, or either of them, to their Governors, and everybody here knows that those Governors never acquainted the people what their powers were, only publish'd their commissions, so that those persons who purchas'd from those Governors are now to be divested of the lands they have honestly paid for, and have improved with great expence, labour and industry, (unless they will purchase them again from the present Proprietors) because their grants or conveyances are not conform to the powers, concessions and instructions given by my Lord Berkley and Sir George Carteret, or one of them (which indeed very few of the grants are), but at the same time the purchasers knew nothing at all of those instructions, nor what they contain'd, if they had, it is reasonable to believe they would have conformed themselves to them, because it is very natural for every man to desire as good a title to the estate he purchases as he can. Another clause is to empower the Proprietors, jointly or severally, by themselves, or their Receiver General, or their agents, attornies or servants, to make distress for non-payment of quit-rent, and this is to be done by them or their servants, without taking any notice of any magistrate, or any Officer in the Government, but because they were told that was carryed a little too far, the next clause is to qualify it, and there it is enacted that all the respective sheriffs and Constables shall for ever hereafter (being required thereto by the said Proprietors etc.) be aiding and assisting to make such distress as aforesaid, and this is to be done by the sheriffs or constables without any warrant from any J.P., or anybody else, but ex officio, and at the request of any servant of a Proprietor when perhaps his master may know nothing of the matter. Another clause enacts that all tracts of land belonging to persons beyond the seas, or within any of the neighbouring Colonies, which have been sold by their agents or attornies, since the first day of Feb., 1682, by virtue of letters of agency or of attorney, such sales are declared good, sufficient; this, I confess, is a very necessary clause for some people as the case stands, for great

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tracts of land have been sold by agents without the knowledge and contrary to the interest of the owners, and sometimes contrary to their directions, so that if there is not some clause of this nature, now that the law begins to take its proper course, the right owners may recover their own again, which will be no small loss to some persons here, who have been agents for persons in England, and have combined with other persons here, to cheat and defraud their employers. Thus I have gone through the several clauses of the Bill, which the Proprietors here were so fully resolved to have passed, that they were resolved no revenue should be settled, till that was done; I often put them in mind of the absolute necessity of settling a revenue upon H.M. for the support of the Government, but still the Proprietors' Bill, as they very well called it, was insisted on; so seeing there was no good to be done with them at that time, and the season of the year being far advanced, on Dec. 13 I adjourned ye Assembly to May 18, 1704, at which time I hope to find them in better humour; if not I must try another Assembly. *Signed, Cornbury. Endorsed, Recd. Jan. 16, Read Feb. 2, 1704. Holograph. 5 pp. Edges torn. [C.O. 5, 970. No. 15; and 5, 994.A. pp. 172-186.]*

Jan. 14.
Admiralty
Office.

28. Mr. Burchet to Mr. Popple Jr. *Enclosing following, in answer to letter of this day's date [? Jan. 7]. Signed, J. Burchett. Endorsed, Recd. Read Jan. 17, 1704. Enclosed,*

28. i. H.R.H. to the Queen. H.M. having directed mee to report, at what time it may be most proper for the severall convoys to proceed with the outward bound Trades, I did thereupon desire the Council of Trade and Plantations to send for the severall merchants concerned and to discourse them, and report to me their severall demands, and they having thereupon represented unto me what number of ships the aforesaid merchants have demanded, not only for the convoys to the Trades bound to the Plantations, but to remain there for their security, which amounts to 50 ships of war, from 50 to 20 gunns, and that 10 or 12 of them may be particularly stationed at Jamaica, for the safety of that Island, I have considered of the same, and do humbly report unto H.M., that considering the many occasions there will certainly be for the service of the ships of those rates it will be altogether impossible to furnish so great a number as the Merchants do demand, nor can it be known what ships can be spar'd, till it shall be determined what part of the Fleet may be necessary to employ in the Channell the approaching year, and what other remote services may absolutely call for shipping, the which requires the more speedy consideration because the Merchants insist upon having the greatest part of the convoys proceed from hence by the beginning of Feb. next, and in the meantime there will be all possible diligence used in the putting such ships of the Fleet, as are proper for the services

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aforementioned, in the best condition that may be.
Signed, George. *Copy*. 1 p. [C.O. 323, 5. Nos. 34, 34.i.; and 324, 8. pp. 322-324.]

Jan. 17.
 Antigua.

29. Governor Codrington to [*the Earl of Peterborough*]. I give your Lordship my most humble thanks for ye assurance of a furlow tho I find by my last from Mr. Blathwait I am not so soon to have ye advantage of it as I could have wisht. 'Twill not be proper for a man of a broken constitution to leave this part of ye world unles it be early in ye Spring, and therefore I have put of my voyage till ye beginning of ye next year, or if it be H.M. pleasure and my health will permit me, am willing to serve H.M. during ye war in this part, tho' it be very uncomfortable and not at all advantagious, but I have a very considerable interest here, wch. I wd. willingly defend, and I may say without vanity, since I have had ye experience of it, yt. ye people will doe their duty more cheerfully when I am at ye head of them than under any one else. I shall endeavour, and indeed 'tis my dayly task to perswade our Planters from going of, for we are very weak and lyable to continuall insults. I shall also make them sensible of H.M. great goodnes in designing us a Fleet, and hope they will not be wanting in taking due care of themselves, tho' really fear and uncertainty make them half mad, and I find I have need of all ye address and circumspection imaginable to manage their caprice (?), and unite them in proper measures for their common good. I humbly hope, my Lord, there will be noe successor thought of for me till I have had ye honour of kissing H.M. hands, as an affront yt. I most humbly beg leave to say my faithfull, zealous and expensive services have not deserved. *Signed*, Chr. Codrington. *Endorsed*, R. April 7, 1704, from ye E. of Peterboro'. *Holograph*. 2 pp. [C.O. 7, 1. No. 4.]

Jan. 17.
 Whitehall.

30. W. Popple, Jr. to Josiah Burchett. Your letter of the 14th instant has been laid before the Council of Trade and Plantations who thereupon desire to be informed what convoys and guard ships H.R.H. has been pleased to appoint for each Trade and Plantations, and at what times they will be ready to sayle, which will be of use to their Lordships in their proceedings with the Merchants here, and in directions they are to give to the Governours of the said Plantations. [C.O. 324, 8. p. 325.]

Jan. 17.
 Admiralty
 Office.

31. Mr. Burchet to Mr. Popple, Jr. *In reply to preceding*. All possible care will bee taken for such convoys to the severall forreign Trades, and for guarding the Plantations, as other necessary services will admit of, as also in the getting them ready to proceed at the times the Merchants themselves desire or as near the same as possibly may be. *Signed*, J. Burchett. *Endorsed*, Reed. Read Jan. 17, 1704. 1 p. [C.O. 323, 5. No. 35; and 324, 8. p. 326.]

Jan. 18.
 Whitehall.

32. W. Popple, Jr., to W. Lowndes. In answer to yours of the 8th, the Council of Trade transmit abstracts of letters. Their

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Lordships have likewise severall intercepted French letters written from St. Thomas to some French and Spanish Merchants at St. Domingo which confirm a correspondence and trade held between those of St. Thomas and the French and Spanish Plantations. [C.O. 324, 8. pp. 327, 328.]

Jan. 19.
Antigua.

33. Governor Codrington to [? William Blathwayt]. Col. Whetham is very much startled by having heard His [sic] Majesty is endeavouring to put some officers upon him and these not ye best in the Regiment. 'Tis his ambition to have a very good Regiment and well officered, an advantage it very much wanted when he came to it. I am sure he will recommend none but men of merit and such as have distinguished themselves in yo service here, etc. Signed, Chr. Codrington. Endorsed, R. April 11, 1704. *Holograph.* 2 pp. [C.O. 7, 1. No. 5.]

Jan. 19.
Boston.

34. Lt. Gov. Usher to the Council of Trade and Plantations. My occasions calling me to Boston, did put Capt. Walton to be Commander of H.M. fort, whose ability and loyalty is well known. I find Mr. Hincks refuses to deliver the stores, hope things will be rectified, to speak to Col. Dudley of Hincks on [? or] others though never soe unfitt for places of trust avails nothing ; I see no reason for it, but the grant of 160*l.* a year while he is Governor. I hope Hincks, Vaughan and Walderen will be called to account for seizing the government formerly ; if be, will make the whole country afraid to oppose authority from the Crown and in truth there is talk of seizing Gov. Dudley, my study shall be to serve H.M. and endeavour prosperity of the place. Mr. Partridge having had 867*l.* out of Treasury, Vaughan 527*l.*, all which humbly think ought to be repaid ; if be, hope H.M. will consider my four years former faithfull service, and order me money out thereof ; for have not been at less expence and charge then 800*l.* or 900*l.* out of my own estate besides expence of time ; had my habitation been in New Hampshire, and followed trade as my successer did, judge might have salved myself. I have desired of Col. Dudley in case he has any Instructions or Orders from Whitehall (besides those he had with his Commission) to give them me, answered he had none, I find I am to be kept in ignorance as to anything relating to the place or any particular person, he endeavouring to favour them all that he can. I find Mr. Partridge could suspend Mr. Jeffery from being of the Council, dismiss Mr. Sheafe from Navall Office, and one Mr. Armstrong put in by my Lord Bellomont, and in there stead make one Adkinson, a great owner and trader in shipping, Navall Officer, all this well allowed of ; now myself with the Queen's Commission must remove none, supply noe vacant places, and grant no Commissions by itt, have noe power by my Commission ; a Commission for Mr. Walderen to be Major hath been writt and sealed these six months, he will not accept. I have desired a Commission for Major Smith to be Major, that denied, all because would not offend Waldren and Partridge, so they two at present govern : I think in case Col. Dudley be absent my Commission

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gives me power to put out and put in, if just cause, the which I am accountable for and thank God never did remove any but really for service of the Crown and soe fell out those persons, who I had particular respect for, on account of private friendship, were the persons displaced; it's neither freind nor money, ever shall byas me to act otherwise than I apprehend just and right. *Signed, John Usher. Endorsed, Reed. April 29, Read May 8, 1704. Addressed. Sealed. Holograph. 1 p. [C.O. 5, 863. No. 75; and 5, 911. pp. 281-283.]*

Jan. 19. 35. Lt. Gov. Usher to W. Popple. I acknowledge when in Charles Town. England I was obliged to yourself and son for many favours; when I arrived in New England found them involved in a barbarous Indian war the like never known, a country divided, Indians carrying all before them, account of particulars you will have from living hands. As to Col. Dudley, a mistery to me, all in New Hampshire against Crown Government in places of trust and power, doe what they please, fear mony blindes the eyes, and in Boston Government there, Col. Dudley and people at such variance, fear he will be seized, the country universally against him and I do not find one man gives him a good word, if we have not a change by having a new Governor, we shall in a short time be ruined, and the onely place exposed to ruin is the East-ward, whence H.M. has her Navall Stores. As to supplying H.M. with Navall Stores, all Europe may be supplied with rozin, pitch, tar, hemp and timber, if were not disturbed by an Indian enemy; province Hampshire and province Main are the only places in the country, that H.M. may command in part. I served the King 4 years as Lieutenant Governor, never had one penny allowed or paid for all my time and expences, Mr. Partridge succeeded me, he hath taken out of the Revenue 867*l.*, under notion of disbursments, and no account for one penny, hope he will be ordered repay the mony; all his time the greatest trader, and his vessells load and unload without legall entryes, judge because of irregular trade Col. Dudley and he as one. *Repeats part of preceding.* I am informed he demanded the Bookes Records, but to please Waldren etc. he overlook'd it and do say Col. Dudley will not press anything to effect that Partridge and Waldron is not for etc. Pray God we had either Sir Ed. Andros or Col. Nicholson or any one that is a person of honour, for mony does great things, and mony is that which is cheifly minded, of my own knowledge, affirme New Hampshire for 12 years never in soe bad a condition as when I arrived; though will say also in spring next there is a designe to doe something to the fort, but all this time omitted a mistery. I am informed Mr. Hincks keeps the 20 barrels powder for money due, I shall returne thither and hope to see things better, in a word, Col. Dudley dare not disoblige him or any other for fear his 160*l.* be not paid, some one ought to be made an example for such great irregularities, hope Hincks will, if Hinks was my father, knowing his unfitness, should not suffer him to continue in the fort, there was an Assembly like good men desired to know what was become of the mony

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raised, then dismiss'd, an Assembly new called, they raised mony and allowed all accounts, some mony misapplied, judged to be all well, and over, but hope will be called over and Partridge and others made to repay. I am now in the 5th year of being Lieutenant Governor New Hampshire, hope care will be taken that I may have some allowance. I have desired my friend Mr. John Jue, to wait on you, as to that matter, crave your favour therein; I dare be bold to say none ever served more faithfully than myself as I was capable, and I think to serve about 5 years and never the value of one penny for my time and expences, very hard, if Partridge's mony be ordered to me. I think my due. *Signed*, John Usher. *P.S.*—One Col. Hobby, a person of best estate here, judge will inform of all things in these parts. *Endorsed, etc., as preceding. Holograph. 1½ pp. [C.O. 5, 863. No. 76; and 5, 911. pp. 284–288.]*

[Jan. 20.] **36.** Estimate of the Exports from Jamaica to England.

	<i>l.</i>
15,000 hhds. of sugar, selling here for 25 <i>l.</i> per hhd. . .	375,000
250,000 <i>lb.</i> of indigo at 7 <i>s.</i> 6 <i>d.</i> per <i>lb.</i>	93,750
200,000 <i>lb.</i> of cotton at 12 <i>d.</i> per <i>lb.</i>	10,000
15,000 <i>cut.</i> of ginger at 75 <i>s.</i>	56,250
200,000 <i>lb.</i> of pimento at 20 <i>d.</i> per <i>lb.</i>	15,000
1,500 tons of logwood at 15 <i>l.</i> per ton	22,500
300 tons of fustick at 9 <i>l.</i> per ton	2,700
Cocoa, hides, sarsaparilla, stock fish and micoarago wood, lignum vita, turtle shell, lime juice, anatto, etc. will produce in England at least	25,000
	<hr/> £600,200 <hr/>

These commodities may be increased to at least 5 times this value, if there were a sufficient number of white men to carry on the planting. When we were at peace with Spain there was yearly brought from that Island in gold, pieces of eight and bullion at least to the value of. . . £200,000

which was all purchased with merchandize sent from hence, and most of it the manufactures of England. There is yearly transported from Jamaica to our Northern Plantations in America in rum and molasses at least to the value of 20,000*l.* *Signed*, Batho. Gracedieu, Edm. Edlyne and 28 others. *Endorsed*, Reed. Read Jan. 20, 1704. 1 p. [C.O. 137, 6. No. 34; and 138, 11. pp. 107, 108.]

[Jan. 20.] **37.** Notes on the lands and produce of Jamaica abstracted from documents calendared *supra*, including preceding return. No date or signature. 1½ pp. [C.O. 137, 6. No. 35.]

Jan. 20. **38.** John Champante to the Council of Trade and Plantations. I humbly presume to lay once more before your Lordships, the

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miserable condition that Mr. Nanfan, the late Lieut. Governour of New Yorke, is now in; *etc.* [See previous volume, C.S.P.] My Lord Cornbury's Agents having received the subsistence for the said four months and a half, I humbly conceive it but just that the like summe should be recoup'd out of the growing subsistence, which may be done without any prejudice to H.M. service, the same being to be made good by the said four months and a half's subsistence which has been for this long while in his Lordship's hands, there being no objection to be made to this but what I have fully answered. I have orders from Mr. Nanfan to desire the favour of your Lordships' representation to H.M. for H.M. gracious protection and commands to come to England, in order to answer here, where he knows he shall meet with nothing but justice, any objection which may be made to his administration. The unusual hardships he is under has so much impaired his health that his life in all probability will be soon in danger, if your Lordships' goodness don't interpose in his behalf. *Signed*, J. Champante. *Endorsed*, Recd. Read Feb. 1, 1704. 1 large p. [C.O. 5, 1048. No. 74; and 5, 1120. pp. 30-32.]

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39. J. Warters to [? Mr. Popple]. *Enclosing following extracts.*

There are many other letters from the Agents with complaints of difficultys and discouragements they meet with in appearing for the Lord Admiral's rights. I hope it will be thought necessary that some general letter or order be procured to the Governors to give them due encouragement in future *etc.* *Signed*, J. Warters. *Endorsed*, Recd. Read Jan. 20. 1 p. *Enclosed*,

39. i. Extract of letter from Antigua. (1) At a Court of Admiralty. Aug. 19, 1702, a sloop, the *Diligent* of Mary Gallant, taken by the *Seaflower* of Barbadoes, Capt. Pied, near Martineco. No lading appeared here, if any, it was taken by said Commander out of the sloop, which lies sunk in the harbour of St. John's, unsold. His Commission is from Lt. Gen. Farmer, then Governor of Barbados. (2) The *Mary* of Martineco taken, also in July by Capt. Pied, near Guardeloop, and also sunk; said to be worth a very considerable value in goods, money and negroes, sold and shared by him and his Company. (3) The *Margaret* of Martineco, taken near Dominico by Capt. Hillary Roe, in the *Margaret* and *Anne* of Barbadoes, under the same Commission, without any lading that appeared, wch. sloop he and company sold here and shared the money. (4) Another sloop similarly taken by the same and similarly treated. (5) Capt. John Smith of the *Dispatch* of Barbados, with a similar Commission, shared with his Company the goods of the *Diligent* of St. Xphers, said to be worth 3,000*l.* (6) Capt. John Gill, of the *Marygold* of Barbados, with a similar Commission, took the *Jean* of Bordeaux and divided the proceeds of her cargo of claret and brandy with his crew (7) as also the goods of the *Fortune* of Martineco. (8) Capt. Vallentine Norris, of the

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Weymouth of Antigua, with a Commission from Governor Codrington, took two small shallops, which were sold here and divided as is usual for privateers. Neither had any lading. 3 pp.

39. ii. Extract from the Agent's letter, Barbados, Aug. 10, 1703. Mention is made of 3 barks taken off Newfoundland and brought in to Barbadoes by Capt. John Halsey. Vessels and cargoes came to about 1,800*l*. The Lord Admiral's tenths being demanded, was refused. Mention is made of 400*l*. in the Governor's hands recd. of the Provost Marshall, which had lain there some time for the Admiral's tenths. $\frac{1}{2}$ p.

39. iii. Extract from the Agent's letter, Bermudas. About a month ago a great French ship, belonging to the fleet of store ships sent to the Havana to supply M. Chateneaux (*Châteaurenault*) in their return for France came upon the rocks here. Said to be worth at least 10,000*l*. The Governour will not permit any person to speak with the crew lest they should discover what was aboard. The ship I take to be a perquisite of the Lord High Admiral, however the Governour has taken the whole into his possession, and is disposing of the rigging *etc.* as fast as he can. There was another ship on the rocks, but cast over ten guns and about 50 tons of logwood, wh. is likewise since taken up, and got off. 1 $\frac{1}{8}$ pp. [*C.O.* 323, 5. Nos. 36, 36.i.-iii.]

Jan. 21.
Whitehall.

40. W. Popple to J. Walters [*sic*]. *In reply to preceding*, the Council of Trade and Plantations desire you that they may have a copy of the Order of Council declaratory of all the Admiral's rights, which you promised them Dec. 20. [*C.O.* 324, 8. p. 329.]

[Jan. 24.]

41. Edward Jones to the Council of Trade and Plantations. Copy of the Articles exhibited against him, with his answers. [*The articles are abstracted Cal. 1701, No. 797.ii. Replies.*]
(1) There is no necessity. (2) and (3) Demands particular instances. (4) Refers to the warrant he has ready to produce. (5) Untrue, and demands proof. (6) Never made such oath, but doubts not that Mr. Smith did escape from his deputy, John Rawlin. (7) His answer to the Grand Jury was that White held him and Smith beat him, but the Jury would not find the Bill, nor a new one, so altered. (8) Refers to warrants ready to be produced. (9) Demands particulars. (10) His just fee. (11) He served two executions upon Col. White in obedience to said process. He believes Nelson was then Chief Justice and had full jurisdiction; in any case he conceives that, as an officer, he could not dispute the validity of the said process. (12) He took 25*s.*, his just fee, from Mr. Dickinson. (13) Refers to the warrants in his custody. He did nothing illegal in executing them. (14 and 15) Too general and uncertain to answer. (16) The constant allowance of powder in time of peace was and is a barrel for firing a gun upon sight

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of a ship to give notice to the country, and when expended to be supplied with another, which was constantly done, and Jones never heard any complaint of want of powder. (17) He was compelled thereto by the Governor, and has usually been done by his predecessors. (18) Untrue; demands proof. (19) Refers to the warrant ready to be produced. Jones is wholly incapable of making any other answer than above, being refused by the Governor, Council and Assembly any hearing, or so much as knowing his accusers' names, altho' he made several applications *etc.* *Endorsed*, Recd. Read Jan. 24, 1703. 74 pp. [*C.O.* 37, 6. No. 9.]

Jan. 24.
Whitchall.

42. W. Popple to Mr. Warr. The Council of Trade and Plantations desire you to lay before the Earl of Nottingham their opinion that the letters relating to trading with the Spaniards be only writ to the Lord Cornbury, Col. Dudley, Sir B. Granville, Col. Handasyde, and the Governour of the Leeward Islands. [*C.O.* 324, 8. p. 330.]

[Jan. 25.]

43. Remarks and Enquiries by Col. Mathew on his Instructions for the Government of the Leeward Islands. *Endorsed*, Recd. Jan. 25, 1703. 2½ pp. *Annexed*,

43. i. Replies to above [*? by Mr. Popple*]. 1 p. [*C.O.* 152, 5. Nos. 45, 45.i.]

[Jan. 25.]

44. List of Stores of War desired by Col. Mathew for the Leeward Islands. *Endorsed*, Recd. Jan. 25, Read Feb. 2, 1703. 1 p. [*C.O.* 152, 5. No. 46.]

Jan. 26.
Whitchall.

45. Council of Trade and Plantations to the Queen. Report upon Prizes in the Plantations *etc.*:—The Courts of Admiralty there are constituted under the Seal of the Admiralty in England, the powers of erecting Courts of Admiralty by virtue of your Majesties immediate Commission to your Governours having been lately by your Majesty's special direction set aside, so that they are now wholly under the direction of the Lord High Admiral and such as are commissioned by him in each Plantation; and your Majesties Governours as such may not intermeddle in those matters, nor doe they act therein otherwise than as Vice-Admirals, subject only to the Orders of the Admiralty. We are therefore humbly of opinion, that for redressing of abuses in those Courts, and for the more regular disposition of the proceed of Prizes, H.R.H. be pleased to give orders to his Vice-Admirals, Judges of Admiralty and other officers concerned in those Courts, that they do proceed in all cases before them according to such Instructions as H.R.H. shall think fit to give them, and to your Majesties Declaration for the encouragement of your Majesties ships of war and privateers with relation to prizes. And we further humbly offer that your Majesty doe repeat your Royal orders to your Governours that they accordingly be obedient to ye orders of H.R.H. as Lord High Admiral of the Plantations, and that all persons whatsoever in the Plantations whom it

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may concern be aiding and assisting in the recovery of H.R.H. dues in cases of prizes and in maintaining the rights of the Admiralty. [*C.O.* 324, 8. pp. 331-333.]

- [Jan. 26.] **46.** Copy of Order of King in Council, March 6, 166 $\frac{5}{6}$, declaring the rights and dues of the Lord High Admiral. *Endorsed*, Reed. Read Jan. 26, 170 $\frac{3}{4}$. 1 $\frac{1}{4}$ pp. [*C.O.* 323, 5. No. 37; and 324, 8. pp. 334-336.]

- Jan. 26. **47.** W. Bridges to the Council of Trade and Plantations. *Signed*, Wm. Bridges. *Endorsed*, Reed. Read Feb. 2, 170 $\frac{3}{4}$. 1 p. *Enclosing*,

47. i. Petition of Rowld. Tryon, on behalf of Robt. Stewart, Register and Clerk of the Crown of Barbadoes, for licence to come off the Island for one year for recovery of his health. $\frac{1}{2}$ p. [*C.O.* 28, 7. Nos. 13, 13.i.; and (without enclosure) 29, 8. p. 375.]

- [Jan. 27.] **48.** Some Proprietors of New Jersey to the Council of Trade and Plantations. *Acknowledge* their Lordships' favour in giving them notice of Mr. Dockwra's recommending Peter Sonman and Daniel Cox to fill up the vacancy in the Council there. Such a proceeding without first consulting them, whose interest in it is so much superior to his own is a great presumption and injustice, etc. Mr. Sonman became a bankrupt about 4 years since, and compounded his debts for 7s. 6d. in the £., which he has not yet paid etc. For these reasons, they have refused to admit Mr. Sonmans to be their Agent, as Mr. Dockwra has falsely insinuated. Daniel Cox has no other pretence to any lands in those provinces than wt. he makes by late conveyances from his father, Dr. Cox, who many years since sold all his lands and title there to some of the said Proprietors; and if before the determination of the Proprietors' Right in a course of Justice (to which they intend to resort) your Lordships should place Mr. Cox in the Council, it may give a credit to his presence amongst the inhabitants there, and raise a prejudice in them against the Proprietors' right, which they are assured your Lordships would not so much as accidentally contribute to. The Proprietors have heard that Mr. Cox, being lately in New Jersey, has encouraged a faction of the meaner people to oppose and subvert that part of the Constitution lately established by your Lordships, which relates to the Election of the Assembly, etc. [See letters of Lord Cornbury Jan. 14, and Col. Quarry, Dec., '03.] By representing the qualification of 1,000 acres etc., intended as an encouragement to such as are able to cultivate the land, etc., Mr. Cox, Col. Quarry and some other men of sinister designs have insinuated that this is an infringement of the natural right of the Inhabitants and tends to enslave them. By this plausible artifice he has obtained so much credit to his own pretences, as to procure payment to himself of moneys for which the Proprietors' Agent had sold lands they bought of his father. If he be countenanced by your Lordships with any character within that Province, he may be

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capable not only of depriving them of more of their lands, but of bringing the country into such confusion as will occasion most of the wealthier inhabitants to forsake that Province, as many of them have declared their resolution to doe, if that security [*the 1,000 acres qualification*] be taken from them. These Proprietors are likewise informed that purchases of lands from the Indians without the Proprietors' consent are encouraged, or at least connived at by persons of authority there, which is not only directly repugnant to your Lordships' orders, and an usurpation of the Proprietors' Right, but an invasion of the Queen's Prerogative. *Pray* their Lordships to give effectual Instructions to the Governor of New Jersey to preserve all the articles of the late Constitution *etc.* *Signed*, Tho. Lane, Paul Doeminique, Robt. Michel, E. Richier, Jno. Bridges, Obadiah Burnett, John Whiting, Fra. Michel, Jos. Brooke, Joh [?]. *Endorsed*, Reed. Read Jan. 27, 170 $\frac{3}{4}$. 2 $\frac{1}{2}$ large pp. *Torn*. [C.O. 5, 970. No. 16.]

Jan. 28. **49.** Draught of a Circular Letter from the Earl of Nottingham to several Governors of Plantations, relating to trade with the Spaniards. *This letter was recast: see* Feb. 18. [C.O. 324, 8. pp. 337-340.]

Jan. 28. **50.** Council of Trade and Plantations to the Earl of Nottingham. We have perused the draught of *preceding*. As to the trade with the Spaniards we have prepared letters vizt. to the Governours of Barbadoes, Leeward Islands, Jamaica, Bermuda, New England and New York, it being not necessary, as we conceive, to send any to H.M. Governours of Virginia and Maryland; and as to the Proprietary and Charter Governments, we likewise conceive it not proper to give them any incouragement to trade with the Spaniards, since it would too much authorize their carrying on irregular trade under that colour. And as to the provisions supposed to be furnished from our Northern Plantations to the French, and particularly by the way of Curacao and St. Thomas, for preventing of which it is directed by your Lordship's letter that bonds be taken, we are of opinion that if your Lordship think it necessary to be done, it will be most proper that the directions doe issue from the Commissioners of the Customes to their under officers, by whom we doe foresee objections may be made that the requiring and exacting of such bonds is not warranted by law, and is a burthen upon trade, the Acts of Trade and Navigation providing in what cases bonds shall be given, which is not in the present case. *Autographs*. 2 pp. [C.O. 5, 3. No. 10; and 324, 8. pp. 341, 342.]

Jan. 28. **51.** Order of Queen in Council. Approving Representation of St. James's. Jan. 13, and repealing Act of Rhode Island accordingly. *Endorsed*, Reed. Read Feb. 3, 170 $\frac{3}{4}$. 1 $\frac{1}{4}$ pp. [C.O. 5, 1262. No. 64; and 5, 1290. pp. 422, 423.]

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Jan. 28. **52.** Order of Queen in Council. Approving Representation
St. James's. of Jan. 13 and ordering the Lords Commissioners of Trade to
prepare the draught of a letter for H.M. approbation to be sent
from H.M. to the Governor and Company of Rhode Island and
Providence Plantation accordingly. *Signed*, John Povey.
Endorsed, Recd. Read Feb. 3, 170 $\frac{3}{4}$. 2 pp. [C.O. 5, 1262. No. 65;
and 5, 1290. pp. 424, 425.]

Jan. 28. **53.** Order of Queen in Council. Approving Representation
St. James's. of Jan. 26, and ordering that H.R.H. the Lord High Admiral be
desired to give the necessary Orders to his Vice-Admirals, *etc.*,
as proposed, and that the Council of Trade prepare the draught
of a letter to be sent to H.M. Governors for H.M. approbation
accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 3,
170 $\frac{3}{4}$. 2 pp. [C.O. 323, 5. No. 38; and 324, 8. pp. 343-345.]

Jan. 28. **54.** Order of Queen in Council. Approving Representation
St. James's. of Jan. 14 concerning the 4 $\frac{1}{2}$ p.c. in St. Kitts, and ordering
accordingly. [*Cf.* Acts of Privy Council, II, No. 914.] *Signed*,
John Povey. *Endorsed*, Recd. Read Feb. 3, 170 $\frac{3}{4}$. 2 pp.
[C.O. 152, 5. No. 47; and 153, 8. pp. 240-243.]

Feb. 1. **55.** John Chamberlayne to the Council of Trade and Planta-
Westminster. tions. In consequence of your Lordships' Representation, the
Society for Promoting the Gospel in Foreign Parts have found
out two Reverend Divines, Mr. Smith and Mr. Moor, to be
missionaries among the Five Nations. *Repeats gist of Mr.*
Livingstone's letter Dec. 18, 1703 (*q.v.*), and list of requirements
"which can hardly be compassed but by a royal purse." *Signed*,
John Chamberlayne. *Endorsed*, Recd. Read Feb. 3, 170 $\frac{3}{4}$.
2 pp. [C.O. 5, 1048. No. 75; and 5, 1120. pp. 33-35.]

[Feb. 1.] **56.** Case of the Mohegan Indians in Connecticut. *Repeats sub-*
stance of Memorial of Dec. 3, 1703, *and quotes* Charter of Charles II.
to the Governor and Company of Connecticut, *and concludes* :—
Whether this being a controversy between the Indians and that
Government, H.M. may, notwithstanding the privileges then
granted to the said Government, grant a Commission to indifferent
persons in that or the adjacent Colonies to enquire into and
determine this matter, and also to put the Indians into possession
of their lands in case it shall duly appear they have been
wrongfully disseised *etc.* *Endorsed*, presented to the Board by
Mr. Wharton and Mr. Hallam, Recd. Read Feb. 1, 170 $\frac{3}{4}$. *No*
signature. 2 *closely written pp.* [C.O. 5, 1262. No. 66; and
5, 1290. pp. 417-421.]

Feb. 2. **57.** Council of Trade and Plantations to the Board of
Whitehall. Ordnance. *Desire* an estimate for the stores of war required for
the Leeward Islands by Governor Mathew. [C.O. 153, 8. pp.
238, 239.]

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Feb. 2. **58.** W. Popple to Sir Edward Northey. The Council of
Whitehall. Trade and Plantations desire your opinion upon the enclosed
case of the Mohegan Indians [Feb. 1] as soon as conveniently
may be, the convoys for those parts being very speedily to sail.
Mr. Wharton will attend you in behalf of those poor Indians.
[C.O. 5, 1290. p. 422.]

Feb. 2. **59.** Patriek Mein to Wm. Popple. In reply to letter of
Jan. 26, I shall not have time to attend to their Lordships'
commands before the Barbados Fleet is gone. As to the Flaggs
of Truce, I can say very little more than what I have already.
If their Lordships shall think fit to send for one Col. Seot, who
is now in town and a Member of Council in Barbados, he will be
able to give an acct. of all proceedings there as well as myself
etc. Signed, Pat. Mein. Endorsed, Reed. Read Feb. 3, 170 $\frac{3}{4}$.
 $\frac{3}{4}$ p. [C.O. 28, 7. No. 14.]

Feb. 2. **60.** W. Popple to Sir Edward Northey, *enclosing* extract of Gov.
Whitehall. Sir B. Granville's letter, Oct. 31, 1703, and the state of the case
of Capt. Gilligan *etc.* The Council of Trade and Plantations
desire your opinion how he and other H.M. subjects trading in
that manner may be proceeded against. [C.O. 29, 8. p. 374.]

Feb. 3. **61.** Mr. Lowndes to Mr. Popple. My Lord Treasurer
Treasury taking notice that the several Bills of incidents [Dec. 25, 1703]
Chambers. are not signed by the Lords Commissioners in such manner as
the Privy Seal directs, desires their signing thereof. He also
observes that the prices charged are extraordinary high
(particularly the staconary ware), especially since there can be
no pretence of charge by the Tradesmen on receiving their money,
because in every subsequent account you have inserted the charge
of receiving the money on the preceding acct. of incidents. His
Lordship therefore expects that you should take care for the
future to manage the expense on account of incidents with all
possible frugality. Signed, Wm. Lowndes. Endorsed, Reed.
Read Feb. 8, 170 $\frac{3}{4}$. Addressed. 1 p. Enclosed,

61. i. Report to [? the Lord High Treasurer] to the above
effect. Copy. 2 $\frac{1}{2}$ pp. [C.O. 388, 75. Nos. 85, 85.i.;
and 389, 36. pp. 171, 172.]

Feb. 3. **62.** W. Popple to John Chamberlayne. In reply to yours of
Whitehall. the 1st inst. the Council of Trade and Plantations acquaint you
that H.M. dos allow 20*l.* a piece to all Ministers going to the
Plantations for their passage. They are of opinion that it will
be a great incouragement to such Ministers if they can be assured
of a benefice in England after so many years service, as may be
thought reasonable, among the Indians. There being a Society
for evangelizing Indians in New England, which has a con-
siderable revenue by gifts from partieuar persons, their Lordships
think it would be of some service if your Society could inform
themselves how such summes of money as have been given

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for that end have been employed. They will take care to recommend the said Ministers to the Lord Cornbury. [*C.O.* 5, 1120. p. 36.]

Feb. 3.
Whitehall.

63. Council of Trade and Plantations to the Queen. *Report on the three Acts of Jamaica referring to Kingston and Port Royal. Summarise evidence given C.S.P., 1703. Continue;* Upon which we humbly represent, that by an Act past in Jamaica and confirmed by his late Majesty in Dec. 1695, the town of Kingston is made a Port and does enjoy the liberty of loading and unloading goods and all other priviledges necessary to the carrying on a trade in the same manner as Port Royal then had. Upon consideration whereof and the reasons aforesaid, we humbly offer to your Majesty that the *Act to prevent the reselling of Port Royal* be repealed, that Act forbidding any publick offices to be kept or any market to be held, or the necessarys of life to be sold at Port Royal; that the *Act to invest H.M. in land in Kingston for the reception of the sufferers by the late dreadful fire at Port Royal, declaring Kingston to be the chief seat of trade and head port of entry, and fortifying West Chester*, be likewise repealed, because (1) by that Act the rebuilding at Port Royal is prohibited and rents and annuities discharged, which in consequence would deprive the owners of their lands and others of their rent charges and annuities. (2) Because the forts at Port Royal which have 120 gunns mounted, and cost great summs of money, cannot well be supplied with necessarys, nor men to defend them, but by rebuilding the town of Port Royal; and it seems designed by the preamble of the said Act, that the said forts shall be slighted; whereas we are of opinion that the safety of your Majesty's men of war, and the security of the said Port, Trade, and Island does much depend upon the support and preservation of the said forts. (3) For that notwithstanding this Act be repealed, Kingston does and will enjoy all priviledges necessary to make it a port of entry and place of trade, by the Act that was confirmed by his late Majesty in Dec. 1695, to which no material addition is made by this Act, excepting the depriving Port Royal of all priviledges; whereas we are of opinion that it will be most agreeable to the right of the Proprietors, prosperity of the Island, and for the advantage of Trade, that a free liberty be allowed, that the people there may take their choice as to building of houses, unloading of ships or carrying on their trade at either of the said places as their interest and inclinations may lead them. That the *Act for making the Kay whereon Fort Charles and Fort William are erected Port of Entry* be likewise repealed; for that by your Majesty's disallowance of the two forementioned Acts this last Act becomes altogether useless. So that upon the whole if it may please your Majesty to repeale these 3 Acts, the towns of Kingston and Port Royal will possess equal libertics and immunities in the enjoyment of their estates, and in the carrying on of their trade, which we humbly offer as the best expedient for the present securing the Island and resettling the trade thereof. We have very lately received a letter from

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Col. Handasyd (Nov. 27) together with several Acts past in the General Assembly of that Island, and amongst others one entituled an *Act for raising a Revenue to H.M., her heirs and successors, for the support of the Government of this Island, and for maintaining and repairing H. M. forts and fortifications*, by which your Majesty's Revenue is continued for 21 years to commence in October next pursuant to your Majesty's Instructions, wherein we conceive Col. Handasyd has done your Majesty very good service and deserves your Majesty's favour. [*C.O.* 138, 11. pp. 123-137.]

Feb. 3.
Whitehall.

64. Council of Trade and Plantations to the Queen. We have received from Governor Sir B. Granville an Act of Barbadoes for setting 500*l.* a year upon him for house rent, during his government. Your Majesty having given Instructions whereby the said Governour was limited to the sum of 300*l.* sterling for house rent, these Instructions did not arrive at Barbadoes till after the passing of this Act, and the 500*l.* eurrant money of that Island not exceeding the sum of 370*l.* sterling, and the said Act in all other respects being conformable to your Majesties Instructions, we are humbly of opinion that your Majesty be pleased to approve of the said Act, the said Governour having since his receiving the said Instructions, refused a present of 2,000*l.* offered to him by the Assembly, and having in all other particulars behaved himself with great zeal and application in your Majesties service. [*C.O.* 29, 8. pp. 376, 377.]

[Feb. 4.]

65. Sir Thomas Lawrence to the Council of Trade and Plantations. Not having enjoyed his health these two years last past in Maryland, *prays* leave to return to England and put in a Deputy to execute his office of Secretary till his return. *Signed*, Thomas Lawrence. *Endorsed*, Reed. Read Feb. 4, 170 $\frac{3}{4}$. 1 p. [*C.O.* 5, 715. No. 77; and 5, 726. p. 277.]

Feb. 4.
Whitehall.

66. W. Popple to Mr. Burchet. Enclose letter from Gov. Sir B. Granville (Oct. 31, 1703) relating to fleet from Barbados, to be laid before H.R.H. [*C.O.* 29, 8. p. 378.]

Feb. 4.
Whitehall.

67. W. Popple to Mr. Champante. I inclose a copy of the Lord Cornbury's letter relating to the Lady Bellomont's accounts. In relation to your desire of having the prosecution of the Lady Bellomont's securities at New Yorke suspended for six months longer, the Council of Trade and Plantations, before they take any resolution thereupon, desire to be informed whether her Ladyship will agree to the method of accounting, as proposed by the Lord Cornbury. [*C.O.* 5, 1120. p. 37.]

Feb. 4.

68. Mr. Thrale to the Council of Trade and Plantations. Your Lordships having made a Representation to H.M. concerning the sending stores and cannon together with recruits to the Province of New Yorke, and, having apply'd myself to my Lord Nottingham's office to desire a speedy dispatch by reason the

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ships will be going out of hand, I was asked whether your Lordships had no new matter to represent for that Province; which if your Lordships have, I humbly beg that you not only do give it dispatch, but represent that it's highly necessary that his Lordship would facilliat those already sent down by your Lordships with all speed; for I am very well informed that, above all, they stand in very great neede of powder, and that the merchants here will ship none, by reason they are sensible the Government will have occasion for it, and command it out of their hands upon credit. *Signed*, Jno. Thrale. *Endorsed*, Recd. Read Feb. 4, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 1048. No. 76; and 5, 1120. pp. 37, 38.]

Feb. 5.
Barnstaple.

69. Mr. Webber to the Council of Trade and Plantations. *Encloses following*; I think it no difficult task [to reduce Newfoundland] (with Divine permission), could the Government allow but 10 frigots and 500 landmen well appoynted. I know Sir Francis Wheeler was sent there last warr to reduce it, but took very indirect courses to effect it. The last year a squadron was order[ed] for yt. expedition, but put it in execution too late, nor were the forces in a condition to enterprize. Heer are several ship bound for yt. Plantation this yeare, if they can have protections for their men. *Signed*, Peter (?) Webber. *Endorsed*, Recd. Feb. 9, Read March 21, 170 $\frac{3}{4}$. *Addressed*. 1 p. *Annexed*,

69. i. Reflections on the present settlement of Newfoundland. The French, by the great number of ships occupied in the Fishery (supposed to be upward of 800 saile) have encreased their seamen to that degree as to enable them to man such fleets wch. none of their predecessors could. They supply not only their own country with fish, but also Spain, Portugal and Italy. where they are always before us, to the utter ruin of our trade, for they are possest of the greatest part of that Island, the best fishing grounds, where the fish come sooner then where the English fish, making their voyages quicker, and can render their fish to markets at least 6 weeks sooner than we can. There is not that great quantities of ice on the coasts the French possess as on that wch. we enjoy, wch. obstructs our fishery. so that they end their voyages sooner etc. If entire to England twould breed us many thousand seamen yearly etc. 1 $\frac{1}{2}$ pp. [C.O. 194, 3. Nos. 12, 12.i.]

Feb. 5.
Custome
House,
London.

70. Mr. Sansom to Wm. Popple. In answer to yours of yesterday's date. Mr. Patrick Mein was the last Surveyor General imployed in the Southern Plantations in America, which survey ended Feb. 169 $\frac{5}{6}$, and in 1699 the Commissioners being acquainted that he was going from England with a prospect to stay in Barbadoes some considerable time on some affairs of his own, and having had experience of his former good service, they took that occasion (for saving of charge) to recommend to him

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severall matters relating to the Customes, of which he hath from time to time given them satisfactory aecompts; and particularly since his return to England; and Col. Quarry being lately established Surveyor Generall of the Customes in America, the Commissioners design, as occasion offer, to order him to go from the Continent and visit the Islands in that capacity. *Signed, Jno. Sansom. Endorsed, Reed. Read Feb. 8, 1704. Addressed, 1 p. [C.O. 28, 7. No. 15; and 29, 8. pp. 379, 380.]*

Feb. 6.
Jamaica.

71. Lt. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Oct. 28 and Nov. 24 and Order of Council Nov. 18 in relation to prizes. For my part I have not directly or indirectly had the value of a glass of wine from any prize since I came into the country, laying that down for a rule at my first entering into the Government to be faithful to my trust, and never to eat H.M. fowls for fear the feathers should choak me. *Sends duplicates* of Acts sent Nov. 27. I hope they will be to your Lopps. satisfaction, for such a difficult piece of work I never did go through. *Refers to enclosures, and embargo*, which I hope, (having it confirmed by several who made their escape from the enemy, that they are not in a condition to make a general attempt on Jamaica) will in three or four days be taken off, I having called a Council for that purpose. As to the settling a Govern. in the Bay of Campeachie, I shall endeavour to give your Lops. a satisfactory aect. per next. As to the intreaguing, designing men, you have had some of them from this place already, and I wish you had two or three more, who fancy themselves greater men than any body else can believe they are, and want to bashaw it over Englishmen as over their slaves, which they never shall obtain as long as H.M. continues me in my post *etc.* Oppression has been too much accustomed here, therefore very hard to be broken off. As to the giving out arms to the Militia, I shall take all the care imaginable to take the Captains' notes for them. We are dayly fatigued by small parties of the enemy, who land in the night by sloops and barquelongos, running them into small cricks and covering them with bows, lying themselves in woods till they have an opportunity of surprizeing the Plantations, altho' I have taken every care imaginable in ordering the stations of the four men of war, and likewise have ordered soldiers to every place of consequence to keep guard there, but the Island being of so large extent, and but thinly inhabited, 'tis a meer impossibility to prevent all accidents of that nature with the small number of ships and soldiers that we have, since they can run over from Cuba in one night. I thank God the advantage they have made of us as yet has not been great, having not got 50 slaves since my coming to the Government, for which we have gott three times the number from them. They have made three attempts within these two months by small parties, the last of which was on the north side of the Island, where they landed 70 men and left ten in the Barquelongo and took from a Plantation 11 slaves, and designed to have gone farther into the

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country, but the country being alarmed, one of our Captains with 12 soldiers and 19 inhabitants marched above 20 miles thro' woods and over mountains, the River being high by great Rains prevented any more joyning them: they came up with the enemy as they were embarking and fell upon them so vigorously that they killed 20 upon the spott and took 4 prisoners, the rest making their escape in the Barquelongo; how many were wounded, I can't learn, but they have troubled us no more. The other two actions were much of the same nature, but the number of men less. Our people, not above one third, killed the enemy's Captain, wounded and took the Quartermaster and three more, and made them retire in great confusion. We are dayly threatened by the French and Spaniard to make a general attempt on Jamaica. I am sorry we are not in a better condition of defence, as to the number we have, I believe they are very good, and hope we shall shew ourselves faithful servants to our Queen and Country, and like true Englishmen not be daunted at their numbers. As to the state of the men of war, two of them are in a very indifferent condition, being much damnified by the worms, and the two fireships hardly able to float. As to the petition of the officers and soldiers, we do not doubt but it will have a very good issue, since your Lordps. have befriended us in that matter. Six months ago I writ to the Bishop of London, giving an account of the vacancys of the Parsonages here, and having no answer, makes mee believe tis miscarried, we having 16 parishes and no more than 5 Parsons, the rest being all dead or left us, which may prove of ill consequence if not remedied in making us turn Atheists. Altho' the sallarys of some are but small, yet the smallest Parsonage is commonly made up 120*l.* per annum. I enclose a letter to the Bishop, which, if your Lordships approve of, I desire you will order to be sealed and sent, *etc.* *Signed*, Tho. Handasyd. *Endorsed*, Reed. 30, Read 31 March, 1704. *Holograph.* 3 pp. *Enclosed*,

71. i. Copy of letter sent by Lt. Gov. Handasyd to the Spanish Governors of St. Domingo, Cartagena, Porto Bello and the Havanna in pursuance of Lord Nottingham's Instructions. *Signed*, Tho. Handasyd. *Endorsed as preceding.* 1½ pp.

71. ii. Copy of Instructions to the Master of the sloop carrying above letters, Dec. 17, 1703. *See Minutes of Council of Jamaica*, Dec. 7 and Jan. 11. *Signed and endorsed as preceding.* 1½ pp. [*C.O.* 137, 6. *Nos.* 36, 36*i.*, ii.; and (*without enclosures*) 138, 11. pp. 162–169.]

Feb. 6.
Jamaica.

72. Lt. Governor Handasyd to the Earl of Nottingham. I enclose a copy of my letters to the Spanish Governor *etc.* (*see preceding*). I hope it will have good effect, having understood by an Englishman that made his escape from the enemy that Señor Pemento, Governor of Cartagena, has retired to a Castle with several of his friends and stands upon his own defence, and I hope by the sloop that's gone with the flagg of truce to have a confirmation of the same, and that several others will follow

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his example, which if so, I hope Monsieur will have his hands full in these parts. *Repeats parts of preceding. Signed, Tho. Handasyd. Endorsed, R. March 30, 1704. 2 pp. Enclosed,*

72. i. Duplicates of above, i., ii. [*C.O. 137, 45. Nos. 60, 60.i., ii.; and (duplicates) 137, 51. Nos. 1, 1.i., ii.]*

Feb. 6.
Barbados.

73. Governor Sir B. Granville to the Council of Trade and Plantations. On the 3rd inst. the packet boat with the mail of Jan. 1 arrived here, but brought me from your Lordships only duplicates of what I had received before and acknowledged. I have very little to add except it be expressing the sence I have of your Lordships' favour in the promise you make me of endeavouring to obtain from the Queen's bounty a compensation for what I loose by the late restraining order. This packet boat is come so much quicker after the other then usual that the severall offices have neither got their duplicates ready of what I sent last nor the originals in relation to the prizes and Admiralty which I promist, however I hope they may be as soon in your Lordships' hands, intending to put them on board a merchant ship of good force which is bound hence for England in eight days. The *Dreadnought* which sailed from England in Sept. last arrived here on the 1st inst.; she had bin all that time at sea, bin separated from her fleet and suffer'd much damage by the violent storms and bad weather, Colonel Seymour, the Governor of Maryland, and his family is on board. *Signed, Bevill Granville. Endorsed, Reed. 24th, Read 25th April, 1704. Holograph. 2 pp. [C.O. 28, 7. No. 16; and 29, 8. pp. 428-430.]*

Feb. 6.
Antigua.

74. Governor Codrington to the Council of Trade and Plantations. Your Lordships command me to give an account of the affair at Guadaloupe. I wish I could my Lords, but tis really unaccountable in all respects, as to what preceeded and followed it. I could ask a great many questions which I believe it would be hard for anyone to answer, I must humbly own I cannot divine at the reason of the measures which were taken, why a few heavy foul ships were sent out without any light fregate, why no artillery or ammunition was sent, why the troops were sent out in so ill a condition and but half officered. Why such recruits were sent almost naked without arms fit for service, and none to take care of them but 2 or 3 young idle fellows and one drunken Major who soon dispatch'd himself. Why the fleet was so long coming to Barbadoes, and why they staid two months there, in the only season fit for action, that the officers, soldiers and seamen might have time enough to destroy themselves with debauchery, and loose their lives with poxes, fluxes and feavers, which might have been more usefully disposed of. Why the Commodore never gave me any notice of his being there, and why he afterwards came down so far to Leeward, that he might not be able afterwards to turn to Windward again, why there was so much perverseness and ill will to the Service in all the commanding officers in the Navy (except Col. Moses and Lt. Col. Martin, who did their duty extremly well) and why Guardaloupe was quitted,

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just when we were to reap the fruit of our hazards and fatigues, as we had indisputably done if the fleet had continued but five days longer for the arrival of Admiral Graydon, are misteries I cannot fathom. I could ask as many questions as to what followed. But that part may seem without my province, and therefore I shall not meddle with it. As to what relates to my own conduct, as well as the great pains, trouble and charge I was at in preparing for it, I think I may safely trust the representation of it to others, tho' I am very much aware of the envy and baseness of mankind. I have as ill an opinion of the management as any one living, but my scheme was not executed, and I had no command of the ships or boats, and I will venture to affirm very positively no expedition can succeed where there is not one sole Commander, unless Providence should work a miracle and effect an agreement between the land and sea officers. The resolutions taken in the several Councils of Warr, particularly one letter to the Commodore will give your Lordships a great deal of light, I could be more particular, but am unwilling, since I cannot be at home to explain and justify my observations. I did, I believe, more then another General would have done in my place. For when I had got a bloody flux by overfatiguing myself, I kept it private for severall days and supported myself as well as I could with vast quantities of laudanum to which I attribute the loss of my sight, as to a severe cold which I caught during my illness, the loss of my limbs and the terrible pains which I was afflicted for four or five months after frequent bathings and drinking great quantities of cold water (which I take to be the West Indian panacea) have at length wholly restored me to my health and I am now able as I shall always be willing to serve H.M., whenever she pleases to employ me. I humbly hope my zealous endeavours in all respects have been accepted, success was not in my power, especially where I had so little authority, for I had not any commission to call a Court Marshall or punish disorders, till Admiral Graydon's arrival when the business was over. *Signed*, Chr. Codrington. *Endorsed*, Recd. 24th, Read 25th April, 1704. 3 $\frac{3}{4}$ pp. *Enclosed*,

74. i. Copy of proceedings of a Council of War held on board H.M.S. *Boyne*, Feb. 20, 170 $\frac{3}{4}$, in relation to the expedition at Guardaloupa. *See Cal.* 1703. No. 737. *Same endorsement*. 6 $\frac{1}{2}$ pp. [*C.O.* 152, 5. Nos. 48, 48.i.; and (*without enclosure*) 153, 8. pp. 276-280.]

Feb. 6. 75. Duplicate of preceeding. *Holograph*. 4 pp. [*C.O.* 152, 5. No. 49.]

[Feb. 8.] 76. Draught of an Instruction received from the Treasury to be inserted in H.M. Instructions to Col. Mathew. "And whereas severall Prizes were taken in the last warr with France and carried into the Leeward Islands, of which no due account has been rendered to the Crown, you are therefore to give the necessary orders and to be otherwise aiding and assisting within your Government to all such persons as are appointed for the

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recovery of the arrears due for such Prizes" *etc.* *Endorsed*, Recd. Read Feb. 8, 1703-4. $\frac{3}{4}$ p. [*C.O.* 152, 5. No. 51.]

Feb. 8.
Whitehall.

77. W. Popple, jr., to W. Lowndes. *Encloses* accounts signed by the Commissioners as desired, Feb. 3. The accounts of postage are wholly for letters from the Plantations, which are rated in the Post Office, and if there be therein any excess, it cannot be controuled by my Father. As to the accounts of the Woodmonger and Stationer, my Father is assured by them that scarce any other Office about Whitehall is furnished with the like sorts at so cheap rates, nor that the quantities expended in any office where so much buisness is done are so small as in this. As to the account of petty expences, which is for disbursements made by my Father himself, he is ready however unusual to attest the truth thereof upon oath, and will endeavour to manage all the incidents, as he has allways done, with all possible frugality, and therefore desires you to do him the justice to represent him to my Lord Treasurer as not having needlessly expended any money that has gone through his hands. [*C.O.* 389, 36. pp. 172-174.]

Feb. 10.
St. James'.

78. Order of Queen in Council. Referring petition of Jeronimy Clifford, (that he has not yet had any good effect from the several applications made to the States General in the matter of his estate in Surinam, and praying for redress) to the Council of Trade and Plantations, who are to recommend the consideration of his case [*see Cal. A. and W.I.* 1702. Nos. 360.i.-iv. *etc.* and *Acts of Privy Council II.* No. 551.] to some able merchants to adjust his accounts, and then to report thereupon. *Signed*, John Povey. 1 p. *Enclosed*,

78. i.-lxxiv. The case and claims of Jeronimy Clifford referred to in preceding. [*C.O.* 388, 75. Nos. 86, 86.i.-lxxiv.]; and (without enclosures) 389, 36. pp. 175, 176.]

Feb. 10.
Whitehall.

79. Council of Trade and Plantations to the Queen. *Propose* Charles Long and Richard Thompson for the Council of Jamaica *as recommended* by Lt. Gov. Handasyd. [*C.O.* 138, 11. pp. 137, 138.]

Feb. 10.
Whitehall.

80. Council of Trade and Plantations to the Earl of Nottingham. *Recommend* Sir T. Lawrence's petition (Feb. 4), his absence not to be above 18 months. [*C.O.* 5, 726. p. 278.]

Feb. 10.
St. James'.

81. Order of Queen in Council. Approving above Representation and ordering warrants to be prepared for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 18, 1704. 1 p. [*C.O.* 137, 6. No. 37; and 138, 11. p. 150.]

Feb. 10.
Whitehall.

82. Council of Trade and Plantations to the Queen. *Recommend* Dudley Diggs to be a Councillor of Virginia. [*C.O.* 5, 1360. p. 453.]

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Feb. 10. **83.** Order of Queen in Council. Upon reading Representation (Feb. 3) and a petition of the Merchants and Planters of Jamaica, the three Acts referred to are repealed and declared null and voyd and of none effect. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 18, 1703. 2 pp. [C.O. 137, 6. No. 38; and 138, 11. pp. 147-149.]

Feb. 10. **84.** Mr. Thrale to the Council of Trade and Plantations. Having told Mr. Warr that your Lordships have no new matter to represent for New Yorke, he tells me, unless yr. Lordships do signifie by letter, yt. the ships are going with all speed and that it would be convenient that a dispatch may be given to those representations etc. as lye before H.M. for New Yorke. *Signed*, Jno. Thrale. *Endorsed*, Recd. Read Feb. 10, 1703. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 1048. No. 77; and 5, 1120. p. 39.]

Feb. 10. **85.** Council of Trade and Plantations to the Earle of Nottingham. The convoys for the continent of America being shortly to saile, we remind your Lordship of the Order of Councill, May 1st, upon the Report of the Board of Ordnance relating to stores of war for New Yorke, that your Lordship be pleased to lay the same before H.M. as soon as may be, those stores being absolutely necessary for the security of the Colony. 1 p. [C.O. 5, 1084. No. 20; and 5, 1120. p. 40.]

Feb. 11. **86.** Col. Mathew to the Council of Trade and Plantations. By his Commission and Instructions as Governor of the Leeward Islands, he hath no power given him to direct the service of such ship of war as shall be appointed to attend the Leeward Islands, nor any authority given him to oblige the Commanders, officers and seamen of such ships to do their duty, nor is there any power to that effect in his Commission as Vice-Admiral of the Leeward Islands, that relating wholly to the civil jurisdiction of the Admiralty. The Governours of the Leeward Islands have been always empowered to command and direct the service of such ships of war as have been appointed to attend there, and without which the service of such ships of war will be altogether precarious and uncertain. Although directions may be given from time to time to the Commanders of such ships of war as shall be sent to the Leeward Islands to observe the orders of the Governour, yet if the Governour be not authorized to command them, H.M. service must very much suffer, and those stationary ships become in some manner useless. *Prays* their Lordships to represent this matter to the Lord High Admirall, that such Instructions may be given him as shall seem meet and proper, and that he may have a copy of such part of the Instructions to the Captain of such stationary men of warr, as are appointed for the service of those Islands from time to time, that he may govern himself accordingly. *Endorsed*, Recd. Read Feb. 11, 1703. $1\frac{3}{4}$ pp. [C.O. 152, 5. No. 52; and 153, 8. pp. 244-246.]

[Feb. 11.] **87.** (a) Robert Beverly to the Queen. In an ejectment brought by Francis Ballard, lessee of Samuel Selden and Rebecca

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his wife against John George, for certain lands in Elizabeth City County in Virginia, the Jury, April 23, 1703, found a general verdict against petitioner with excessive damages, contrary to evidence and right, and upon appeal before your Majesty in Council, judgment being granted, whereby the General Court of Virginia will deny the petitioner any further process, he therefore prays an Order of Leave that he may take in Virginia a writ of attaint and inquire in the said verdict. *Signed*, R. Beverley. *Countersigned*, John Povey. *Copy*.

(b) Order of Queen in Council. St. James's, Feb. 3, 1703(-4). *Referring above* to Mr. Attorney General for his opinion what may be fit for H.M. to do therein. *Signed*, John Povey. *Copy*.

(c) Attorney General to the Queen. Petitioner is intituled to a writ of attaint without suite to your Majesty, and not having been denied it by your Majesty's Courts in Virginia, I do not see any reason for your Majesty to give any direction for his having a writ which he may sue out of course.

But as the Petitioner's case is the question tried by the Jury, being matter of title arising on construction of deeds and wills, in determining which the Jury (it's probable) followed the directions of the Court in which the cause was tried, I see no ground for his troubling the Jury by a writ of attaint; and therefore I am humbly of opinion it will not be reasonable to give any countenance to it by your Majesty's Order, and the rather for that your Majesty hath been pleased, on affirming the judgment given against the Petitioner, to direct that, if he shall think fit to bring another ejectionment for regaining the lands lost by the verdict found against him, and desire the title may be specially found, that it shall be so found, which will be a proper method for his relief. *Signed*, Edw. Northey. *The whole endorsed*, Recd. Read Feb. 11, 170 $\frac{3}{4}$. 4 pp. [C.O. 5, 1313. No. 38; and 5, 1360. pp. 449-452.]

Feb. 12. **88.** Office of Ordnance to the Council of Trade and Plantations. *Enclosing* estimate for stores of war wanting in the Leeward Islands [Feb. 2]. *Signed*, Granville, C. Musgrave, Ja. Lowther, Wm. Bridges. *Endorsed*, Recd. Read Feb. 18, 170 $\frac{3}{4}$. 1 p. *Enclosed*,

88. i. Estimate referred to above. *Total*, 2,199l. 4s. 5d. + Freight, 550l. 2 pp. [C.O. 152, 5. Nos. 53, 53.i.; and 153, 8. pp. 250-252.]

Feb. 13. **89.** Order of Queen in Council. Approving Representation
St. James's. [of Feb. 3] and ratifying the Act of Barbados referred to. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 18, 170 $\frac{3}{4}$. 1 p. [C.O. 28, 7. No. 17; and 29, 8. pp. 386, 387.]

Feb. 14. **90.** William Popple, jr., to Mr. Burchett. *Enclosing copy*
Whitehall. of Col. Mathew's Memorial, Feb. 11. [C.O. 153, 8. p. 246.]

Feb. 14. **91.** Earl of Nottingham to the Council of Trade and Plan-
Whitehall. tations. Col. Rd. Downes has been so highly recommended as

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ye fittest person to be of ye Council of Barbados, that H.M. desires to be informed whether you have any other objection, than that he is not ye first upon the list of those who are designed for it. *Signed*, Nottingham. *Endorsed*, Reed. Read Feb. 21, 1703. *Holograph*. 1 p. [C.O. 28, 7. No. 18; and 29, 8. p. 387.]

[Feb. 14.] **92.** Daniel Cox to the Council of Trade and Plantations. [*Reply to Memorial by Sir T. Lane etc. Jan. 27.*] Mr. Dockwra's recommendation of me was absolutely without my knowledge. My father absolutely denies having sold his entire interest in those Provinces, but reserved to himself very considerable tracts of land, as the conveyance *etc.* will prove. Had these Gentlemen any such right as they pretend to, and any writings to confirm it, they surely would never suffer those contumelys and reproaches wch. are every day thrown on them, not only by some of their own Agents and perticular purchasers, but by almost the whole country, who for near 12 years have demanded them to be sent over to the Province and entered upon the Register, wch. is always customary, and without which no man can bee assured or secured in the possession of his lands and estate. I deny encouraging any faction. Lord Cornbury has seen fit to intrust me with the command of all the forces in the Western Division of New Jersey *etc. etc.* I can prove that what monys I received for any lands in New Jersey was some months before the arrival of your Lordships' Instruction to Lord Cornbury or my knowledge of it, and nothing but my indisputable right could have secured the payment. The wealthier people think the (*qualification*) part of the Constitution of so small security to themselves or the country, that they are extreemly fearful least the meaner sort of people being discontented hereat should leave the Province. Should your Lordships admit these Gentlemen's plea against me, for the very same reasons I humbly presume you will expunge Mr. Lewis Morris, their Agent. I was almost the only man in the Western Division that publicly opposed the transaction regarding the purchase of land from the Indians. *Signed*, Daniel Cox, jr. 9 pp. [C.O. 5, 970. No. 17.]

Feb. [14.] **93.** William Dockwra to the Council of Trade and Plantations. Reply to Memorial, Jan. 27. His address was only on behalf of Mr. Sonmans, by special direction of the Committee and on behalf of the Proprietors of the Eastern Division, of whom all that were in England (except these factious subscribers and their partners) had then constituted Mr. Sonmans their Agent, the Committee of Proprietors having his orders and instructions at that time under consideration for his dispatch, his Commission being delivered to him under the hands and seals of all the Proprietors in England as aforesaid, except those men who usually stile themselves ye West Jersie Society, who might have signed it too, if they had not thought themselves too great to condescend to a friendly compliance with the rest *etc.* Mr. Dockwra would not exchange his single interest for the whole joynt interest that

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the Society has in the Eastern Division. His reputation is unblemished *etc.* Signed, Wm. Dockwra. 3 pp. [C.O. 5, 970. No. 18.]

- [Feb. 14.] **94.** Peter Sonmans to the Council of Trade and Plantations. *Answer to same.* Losses in the war cause his bankruptcy; his creditors are long ago paid. Some of the signatories not only failed many years ago but omitted to give their creditors any satisfaction. He has for divers years been possessed of $5\frac{1}{4}$ Propriety of the Eastern and 2 of the Western Division, his title never disputed save by Joseph Ormston, whose bill was dismissed with costs. The Proprietors of the Eastern Division being in England, who for many years have had the management of all affairs, having among them 14 of the 24 Propriety, being desirous to have the advice and consent of all their fellow Proprietors in the choice of a General Agent, before they chose him, not only summoned the West Jersey Society, who among them have but 2 Propriety, to all their intended meetings, but also frequently mentioned the occasion and necessity thereof to induce them to come; wh. letters, or several of them, Sir T. Lane, whom they call their President, owned to have received. But none of them attending, the other Proprietors chose Sonmans and signed his Commission, and ordered him to desire the Society's concurrence. He left his Commission with Sir T. Lane and Mr. Docminique. The latter told him the Society had no objection to him, and would sign it if new drawn without the clauses relating to Mr. Dockwra *etc. etc.* Signed, Peter Sonmans. *Endorsed,* Reed. Read Feb. 14, 1704. 2 pp. [C.O. 5, 970. No. 19.]

- Feb. 14. **95.** Governor Codrington to the Council of Trade and Plantations. I send your Lordships Lieut.-Col. Ling's and Capt. Parry's accounts of the prizes, whom I appointed Commissarys, and it was a favour to me they wd. accept of ye employ. I have not toucht one farthing of ye produce, nor have I, nor would I upon any terms concern myself with publick money. I smarted sufficiently by ye delays yt. were used in making up my Father's accts., and had been 10,000*l.* a saver if I had immediately have come to ye Indys upon my Father's death, but as I had need of a great deal of patience then, I have still so, and instead of growing rich by my employ, and by my faithfull and zealous services to the Crown, I have attained some qualitys, wh. I did not bring into the world with me, and which I hope will doe me more good than an estate. I have not received the furlow your Lordships promist me, tho' my Lord Orrery went once and sent twice to ye Secretary's Office for it, so that I shall loose a year by it. My successor cannot well be expected before June; I must be contented to stay till ye spring after. I shall bear this and everything else patiently, till some mistakes are rectified, wh. I must believe I lye under, or else I cannot think the Queen would have given away my Government before I had had ye honour to kis her hands and give her an account of my conduct. I am very easy under this because I shall soon put things in a better light

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upon my arrival and your Lordships shall be so far my inquisitors, that I will oblige myself to answer all the questions you will give yourself ye trouble to ask me upon oath, without any reserves whatsoever, and I wish all West Indian Governours were to doe ye same by a Law. I have been so far from making any unlawfull advantages that I have not taken the usual fees, tho' of five years salary, which will be due to me May 1 next, I have yet recd. but 900*l.* this country money, which reduced to sterling will not be one year's salary. I hope your Lordships will be pleased to recommend my case to my Lord Treasurer; ye worst of servants are paid their wages when they are turned off. I humbly beg one favour more of your Lordships, which is, that you will be pleased to let H.M. know I doe not desert her service, but since I have recovered my health, shall be always ready with as much zeal and affection as any Englishman wtever to hazard my life, wherever she will please to commend me. I beg ye honour of your Lordships' good opinion till you are convinced I doe not deserve it. *Signed*, Chr. Codrington. I shall meet the Assembly of this Island tomorrow and hope to get ye Antigua Act past here. *Endorsed*, Reed. 24th, Read 25th April, 1704. *Holograph. 2 pp. Enclosed*,

95. i. Reply of the Assembly [of Nevis] to H.E. Speech. The wholesome counsell this day recommended for our future conduct, and that excellent proposall in relation to our Laws, confirms in us those undoubted proofes your Excellency has repeatedly given of your heartiness and zeale for the good and wellfare of the People wee represent, and as Capt. Nathaniel Crump with 5 Members more are appointed to return your Excellency the humble thanks of this House for the same, so are they likewise ordered to assure your Excellency wee shall cheerfully and readily contribute to the good work therein mentioned. *Signed*, George Gamble, Speaker. *Endorsed as preceding. ¾ p.*

95. ii. Lt.-Col. Ling to Governor Codrington. *Encloses* accounts of the Lord High Admiral's tenths, for the time of my acting as Commissioner of Prizes, ye ballance of wch. is ready for those who shall be directed to receive ye same. Mr. Sygismond Cooper by a second hand lately sent me for perusal a Commission he hath for receiving ye aforesaid tenths, which according to my small knowledge does not impower him to receive what hath already been collected, but have offered to pay him upon his bond to indempnefy me *etc.* *Signed*, W. Ling. Nevis, Feb. 15, 1704.

95. iii. Aceompt of the Lord High Admiral's Tenths of (4) prizes condemned in Nevis July, 1702–March 27, 1703. *Total*, 284*l.* 12*s.* 8½*d.* *Signed*, Wm. Ling. *Endorsed as* No. 95. 1 *p.*

95. iv. John Perrie's Account of Prizes condemned at Antigua since the wars. Feb. 6, 1703. *Signed*, Jno. Perrie, Register of the Admiralty Court. *Same endorsement.*

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6 pp. [C.O. 152, 5. Nos. 50, 50.i.-iv.; and (without enclosures) 153, 8. pp. 271-275.]

Feb. 15.
Whitehall.

96. Earl of Nottingham to the Council of Trade and Plantations. The Queen having appointed Col. Thomas Handasyd to be Governour of Jamaica, H.M. would have you prepare his Instructions and Commission for her approbation. *Signed*, Nottingham. *Endorsed*, Reed. Read Feb. 21, 170 $\frac{1}{2}$. 1 p. [C.O. 137, 6. No. 39; and 138, 11. p. 151.]

Feb. 15.
Whitehall.

97. Council of Trade and Plantations to Col. Codrington. Wee have received no letter from you since yours of Aug. 8 last, but have writt to you Oct. 28 and Nov. 24 last, whereof duplicates have also been dispatched to you. We are at present to acquaint you, that H.M. having been pleased to gratify you in your desire of coming to England, has appointed Collonel Mathew to succeed you. H.M. having been pleased to refer to our consideration a Presentment from the Commissioners of the Customes relating to your forbidding the officers from collecting the duty of 4 $\frac{1}{2}$ per cent. in the French part of St. Christophers, and having consulted H.M. Attorney General thereupon, we reported our opinion to H.M., a copy whereof is here inclosed, as also a copy of H.M. order thereupon for your information. We have laid before the Admiralty the want of sailers in the men of war that attend the Plantations, and the necessity of having a sufficient provision of supernumerary seamen on board those ships which may supply the places of those that become deficient; and we have likewise offer'd to them the want of guard-ships necessary for the Leeward Islands, and of convoys for their trade. And what the Lord High Admirall shall order thereupon will be sent you by the first opportunity. Wee send you here inclosed a letter from the Earle of Nottingham, by which you will see how you are to govern yourself in this conjuncture, in relation to the Spaniards. [C.O. 153, 8. pp. 247, 248.]

[Feb. 15.]

98. Leonard Compere, Receiver General of Jamaica, to the Council of Trade and Plantations. By a recent Act of Jamaica, *for raising an Additional Duty*, the Receiver has been allowed only 2 $\frac{1}{2}$ per cent. of the tax, he or his Deputy to enter into a bond of 5,000*l.*, conditioned to account with the Assembly; and by another Act *for Raising a Revenue*, petitioner's percentage on customs *etc.* has been reduced from 10 to 5 p.c., and he obliged to enter into security for 5,000*l.* conditioned to account to the Governor and Council or Assembly, by which H.M. Prerogative is restrained and petitioner's freehold apparently prejudiced; *prays* their Lordships to represent the same, that H.M. may repeal the said laws, "the rather for that the said Assembly consisting of 32 persons, 8 whereof were expelled the House and 7 of them chosen again and another person in room of the 8th, but the 25 sitting Members refused to admit them, and made a new parish and received 2 new Members for the same" *etc.* *Signed*, Leonard Compere.

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Endorsed, Recd. Read Feb. 15, 1703. 1 large p. [C.O. 137, 6. No. 40.]

Feb. 15. **99.** W. Popple, jr., to J. Champante. The Council of Trade and Plantations desire your speedy answer to the letter writ you the 4th inst., they being now about to write to my Lord Cornbury. If you can produce to them a certificate from any of the auditors of the Exchequer of the method of accounting here, and if that be different from the method proposed by the Lord Cornbury, their Lordships will then send a copy of it to him for his direction. [C.O. 5, 1120. p. 41.]

Feb. 15. **100.** W. Popple, jr., to Sir E. Northey. *Enclosing* clause in the Charter of the Massachusetts Bay (*see March 22*). The Council of Trade and Plantations thereupon desire your opinion whether H.M. may not by her Royal Prerogative establish a Court of Chancery in the said Province, notwithstanding the aforesaid clause. [C.O. 5, 911. pp. 205, 206.]

Feb. 16. **101.** Council of Trade and Plantations to Governor Nicholson. Since our letter of July 29, we have received yours of July 23 and 28, of Aug. 1, Oct. 22, and one without date which we suppose to be that of July 24 mentioned in the last. We are sorry to find the Council and Assembly have had so little regard to H.M. demand relating to the quota for New Yorke. We observe your zeal for H.M. service in advancing the said quota to the Lord Cornbury; and we have written to his Lordship that, in case the Assembly of Virginia do not reimburse you the money, he immediately repay it you. As to what you write about attacking Canada we have communicated my Lord Cornbury's proposal upon that subject to the Secretary of State. You have no occasion to be troubled for the reports concerning any male administration; for no complaints have been offered to us against you, nor do we believe that any complaints have been made elsewhere against you. Col. Quarry according to your desire is made Surveyor Generall of the Customes of all H.M. Plantations. We have reported to H.M. that Col. Diggs be appointed to the Councill of Virginia, which H.M. has been pleased to approve. As to what you write about Burgesses for James City, about taking up lands on the South side of Black Water Swamp, about a rent roll of quit rents, and about lapsed lands, we shall consider the same, as also the two volumes of Acts and Bills, received with your last letter, at Mr. Jennings's returne from Yorkshire whither he has gone for two months with our leave, only this we have to add, that a perfect rent-roll of all the lands in Virginia is absolutely necessary to be sent with all convenient speed. We are glad you keep a good correspondence with the Lord Cornbury and the rest of H.M. Governors on the continent, and hope that your meeting with them and your joynt care will have a good effect. There having been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern yourself on the like occasions according to the

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Commissions and Instructions usually granted here, copies whereof are here inclosed. This goes by the convoys for Virginia and Maryland, which we have solicited at your desire, and we doubt not but the necessary care will be taken for the security of the coast and rivers of Virginia. P.S.—The Commissions and Instructions to privateers above mentioned not being perfected, they will be sent you by our next. [*C.O.* 5, 1360. pp. 454–456.]

Feb. 16. **102.** Council of Trade and Plantations to the Queen.
Whitehall. Recommend Dudley Diggs for the Council of Virginia. [*C.O.* 5, 1360. p. 453.]

Feb. 16. **103.** Council of Trade and Plantations to H.M. *Enclosing*
Whitehall. draught of Letter to Governors as ordered Jan. 28. *Annexed*,
103. i. The Queen to the several Governors in America.
Whereas complaints have been made to us of abuses in the Courts of Admiralty in the Plantations and of irregularities in the disposition of the proceed of prizes brought into our said Plantations by our ships of war, privateers or others with Letters of Mart; for prevention whereof we strictly charge and require you, that you be obedient to such Orders and Instructions as you shall from time to time receive from our High Admiral, and that you require all persons whatsoever in the Plantations whom it may concern to be aiding and assisting in the recovery of our dues as also our High Admiral's dues in cases of prizes, according to our Declaration for the *incouragement of our ships of war and privateers*, and in maintaining the rights of the Admiralty.
103. ii. The Queen to the Governors of Proprieties. *Begins as preceding; continues:* "and otherwise in maintaining the rights of the Admiralty and in the support of the officers and Court of Admiralty appointed by our High Admirall within our said Province." March 2, 1704. *Countersigned*, Nottingham. [*C.O.* 324, 8. pp. 346–348.]

Feb. 16. **104.** Council of Trade and Plantations to Governor Seymour.
Whitehall. We expect to hear shortly of your arrival in Maryland, and that you have found all things in good order there; we have not had anything before us relating to that Province since your departure, only a petition from Sir T. Lawrence. Leave will be granted him for 18 months, he putting in a sufficient Deputy with your approbation to officiate during his absence. There having been complaints of irregularities in the manner of granting Commissions to private ships of war in the Plantations, we send you a copy of the Commissions and Instructions granted here in the like cases, that you may govern yourself thereby, with regard to the difference of places. P.S.—Not being perfected, they will be sent you by our next. [*C.O.* 5, 726. pp. 279, 280.]

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Whitehall.**105.** Council of Trade and Plantations to the Queen.
Enclose following (*cf.* Jan. 28 *etc.*). *Annexed*,

105. i. Draught of letter for H.M. signature to the Government and Company of Rhode Island relating to Admiralty Jurisdiction. Whereas complaints have been made to us that by virtue of an Act past at New Port in our Colony of Rhode Island and Providence Plantation Jan. 7, 1694, you have assumed to your selves an Admiralty Jurisdiction, and have established Courts accordingly, altho' no such power be granted in your Charter, and have refused to yeild obedience to the Courts and Officers vested by our High Admiral with due authority for the tryal of marine and other causes appertaining to such Courts in those parts, and have not permitted the Collector and Receiver on behalf of our said High Admiral to have anything to do therein; particularly in the case of a ship of 5,000*l.* value, carried into Rhode Island by a Privateer of Boston, nor permitted the said ship to go to her Commission Port. And thereupon having thought fit by advice of our Privy Council to declare our disapprobation and disallowance of the foresaid Act, and having accordingly declared the said Act nul and voyd and of none effect, We strictly charge and require you that you do not assume to your selves the power of erecting any such Admiralty Courts, and in case you make any such attempt for the future, we shall give directions that you be prosecuted to the utmost rigour of the Law. And we further require and command you to submit to the Court of Admiralty constituted by our High Admiral in those parts and to the powers of Vice Admiralty vested in Coll. Dudley, our Governour of the Massachusetts Bay. March 2, 1703. [*C.O.* 5, 1290. *pp.* 438-440; and (*enclosure only*) 5, 209. *pp.* 16, 17.]

Feb. 16.
Whitehall.

106. Council of Trade and Plantations to Gov. Codrington. We have received no letter from you since yours of Aug. 8. H.M. having been pleased to gratify you in your desire of coming to England, has appointed Col. Mathew to succeed you. *Enclose* Order of Council *etc.* upon the collecting the 4½ *p.c.* [Jan. 28]. We have laid before the Admiralty the want of sailers in the men of war that attend the Plantations, and the necessity of having a sufficient provision of supernumerary seamen on board those ships which may supply the places of those that become deficient; and we have likewise offered to them the want of guardships necessary for the Leeward Islands and of convoys for their trade, and what the Lord High Admirall shall order thereupon will be sent you by the first opportunity. *Enclose* Lord Nottingham's letter relating to the Spaniards. [*C.O.* 153, 8. *pp.* 247, 248.]

Feb. 16.
Whitehall.

107. Council of Trade and Plantations to Lt. Gov. Handasyd. We have received yours of Nov. 27 last with the Acts and other

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papers therein referred to, which we are laying before H.M. for her determination thereupon. In considering the Acts of the Assembly of Jamaica formerly transmitted us we have judged that entitled *An Act for encouraging privateers and other seafaring men and to prevent impressing derogatory to H.M. Royal Prerogative* and prejudicial to her service in that it forbids the impressing of any inhabitant of that Island without exception, under very severe penalties; and may endanger H.M. ships of war in exigencies where seamen may be wanted. We have therefore offered to H.M. that the Act be repealed. And H.M. having accordingly repealed the same, we send you H.M. Order in Council, Nov. 11, that it may have its effect. And whereas we have likewise represented to H.M. that contrary to your instructions requiring that, when any Captains or Commanders of any of H.M. ships of war in any of her Plantations shall have occasion for seamen to serve on board the ships under their command, they do make their application to the Governors and Commanders in Chief of the respective Plantations, to whom H.M. is pleased to commit the sole power of impressing seamen in any of her Plantations in America or in sight of any of them, not only seafaring men, but landmen, and traders having families in that Island have been violently carried off by the Commanders of H.M. said ships of war, without your privity or direction, to the ruin of some, the terrifying of others, and the great diminution of the strength of the Island, we are ordered to assure you of H.M. due care in directing the strict observation of that Instruction for the future. And as we acknowledge your good service in relation to the passing the Revenue Act, so we desire you to be very carefull hereafter not to consent to any Act prejudicial to H.M. Royal Prerogative as your Instructions especially import. We have represented to H.M. the great disorders that we have observed in the former Proceedings of the Assembly, and their differences with you and the Council, whereupon H.M. has been pleased to write the inclosed letter to you and the Council that you may communicate the same to the Assembly, and further use your utmost endeavours to persuade them to lay aside their private heats and animosities and to apply themselves with dilligence and moderation to the dispatch of publick affairs as may be best for H.M. service and the welfare of the Island. We have considered of the Memorial of yourself and the other officers of the two Regiments in Jamaica, relating to Quarters, and have represented to H.M. the hardships you lye under in respect of the insufficiency of the allowance made to the superior officers by the Assembly, the dearth of provisions, and the undue method of subsisting the soldiers, it being left to the choice of the inhabitants either to receive them into their houses or pay them 5s. per week for Quarters, by which means the soldiers receiving this money may be apt to mispend it, to the ruin of their health, and be frequently left without Quarters. For the remedy and prevention whereof for the future, we doe inclose to you a copy of our Representation that it may serve for your guidance and direction in what may be necessary therein for H.M. service, and in particular

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that a clause be offered in the Councill or Assembly for the better securing quarters to every soldier without admitting money to be given them in lieu of Quarters which they so mispend. We inclose the copy of a Memorial presented to the principall officers of H.M. Ordnance by Francis Cope [C.S.P. Dec. 2, 1703]. We desire you to give us an account of the neglects which he complains of, and to use your endeavours that due care be taken in all such matters relating to the defence of the Island. We have laid before the Admiralty the want of sailors in the men of war that attend the Island, and the necessity of having a sufficient provision of supernumerary men aboard those ships which may supply the places of those that become deficient, and likewise the desire of the Merchants and Planters who have applyed to us relating to the guardships necessary to be appointed for that service, and to convoys for their Trade, the effect whereof they are accordingly solliciting. We inclose a copy of Mr. Baber's complaint, that you may give us a state of that matter and your reasons for your demand by the first opportunity. As to what you write in your letter to our Secretary about the methods used by some persons of note lately arrived in England to obstruct the publick good, we desire you would name such persons in all future occasions of the like nature. Upon considering the Act of Revenue we observe that by a Clause in the latter end, it confirms all Acts formerly confirmed by King Charles II, for 21 years, which ought not to have been done by the Assembly, inasmuch as H.M. had promised to confirm the said Acts, as soon as the Assembly should have passed the Act of Revenue. We advise you therefore for the future to be more carefull how you pass any such Clause to the deminution of H.M. Prerogative. We have represented Charles Long and Richard Thompson to H.M. as persons proper to fill the vacancies in the Council, and H.M. has been pleased to appoint them. The papers you have sent us relating to the ships of Curacao and St. Thomas taken by Jamaica Privateers, are under consideration, and in the mean time we inclose a letter from Lord Nottingham, by which you will see how you are to govern yourself in this conjuncture with relation to the Spaniards. We can not at this distance give any direction about adjourning, proroguing and dissolving of Assemblies, but must leave it to you, who, being upon the place, can best judge what will be most for H.M. service. We are glad to find the Island has suffered so little by the attempts of the enemy, and that the inhabitants are so watchfull and ready upon all occasions to defend themselves. Your Agent here is making enquiry to whom the wreck you mention does of right belong. When that is known you may be assured that we will do what in us lies in your behalf. As to what you say relating to Escheats we have that matter under our consideration. Whereas there has been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern yourself for the future according to the Commissions and Instructions granted here in England, copies whereof are here enclosed. We send you the copy of our

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Representation for repealing the three Acts relating to Kingston and Port Royal, and H.M. having been pleased to approve thereof, the said Acts are repealed accordingly.

P.S.—H.M. Order in Council, Feb. 10th, for repealing the abovesaid Acts is here inclosed. We must now repeat to you our earnest recommendation that you take all possible care and represent to the Council and Assembly of Jamaica that absolute provision be made for the quarters of the two Regiments now there; and not of money for or instead of Quarters; by which means we are informed that many private soldiers are destitute of lodging and reduced to the last extremities, without which necessary and effectual provision H.M. will be obliged to recall those Regiments from that Island. The Commission and Instructions to Privateers above mentioned not being perfected, they will be sent you by our next. [*C.O.* 138, 11. *pp.* 139-147.]

Feb. 16,
Whitehall.

108. Council of Trade and Plantations to Governor Sir B. Granville. Your letters of Oct. 31 and Nov. 27 have been laid before us. We observe what you write about Col. Maxwell's death and Mr. Johnstown's succeeding him in the Council by an order from H.M.; but that we may be inabled to present to H.M. the names of persons to fill up vacancies that may happen in the Council, we desire you to send us a list of such persons as you shall judge fitly qualified, according to your Instructions, to fill up the said vacancies, that we may make use thereof from time to time, as there shall be occasion, and for preventing of importunities from many persons that desire to be made Counsellors in Barbados. We have sent to Mr. Attorney Generall the case of Manasses Gilligan, and as soon as wee have his answer, we shall report that matter to H.M., and thereupon directions will be sent you; however in the meantime we cannot but commend your care and diligence in preventing such illegal trade. *Enclose letter from Lord Nottingham relating to the Spaniards.* We have reported to H.M. our opinion that you might have leave to receive the 500*l.* per annum settled by Act of Assembly upon you for house rent during your Government, and H.M. having been pleased to allow thereof, we desire you to send us an exemplification of the said Act under the Seal of the Island for H.M. Royal assent. Whereas there has been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern yourself for the future according to the Commission and Instructions granted here in England; copies whereof are here inclosed. Upon consideration of an Act past at Barbados, Nov. 18, 1701, entitled *An Act to incourage privateers in case of a war*, wherein is no provision for preserving to the Lord High Admiral his tenths and other dues according to the inclosed Order of Council of March 6, 1666 $\frac{2}{3}$, we are to advise you to endeavour that a clause be inserted in some other Act, for reserving the said tenths and dues, otherwise this Act will be repealed by H.M. for that defect. The Commission and Instructions abovementioned will be sent you by our next. [*C.O.* 29, 8. *pp.* 382-385.]

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Whitehall.

109. Council of Trade and Plantations to the Queen. Governor Dudley having inform'd us that the French in conjunction with the Eastern Indians had attacked several places upon the frontiers of the Massachusetts Bay and had killed or carried away about 100 persons; that he had thereupon been obliged to raise 1,000 men, which would cost the Province 3,000*l.* a month; that the Assembly had granted 11,500*l.* for their subsistence, and that upon this occasion he had writ in the most pressing manner to the Governors of Connecticut and Rhode Island for 150 men between them, but could obtain nothing from them, notwithstanding those Colonies are screen'd from the attempts of the French and Indians by the Province of the Massachusetts Bay; we humbly offer that your Majesties letters be sent to the said Colonies, taking notice of this refusal and enjoining them to assist their neighbours upon occasion for their mutual security. And Col. Dudley having further represented to us the great want the Province is in of small arms, we humbly offer that your Majesty be pleased to order 400 fire-arms to be sent to the Governour, and that he be directed to take care that the value thereof be reimbursed by the Assembly, or by such persons to whom the said arms shall be delivered, and not otherwise. [*C.O.* 5, 911. *pp.* 206-208.]

Feb. 16.
Whitehall.

110. Council of Trade and Plantations to Governor Dudley. Since our letters of July 29 and August 6, we have received yours of February 11, 1703, April 4, August 5, September 15 and October 27 last; in which you mention several papers to be inclosed, but those papers not being received with the said letters, we send you herewith a list thereof that you may know what is wanting. We observe the Assembly of New Hampshire have given 500*l.* towards the reforming the fort at Piscataway; but as we fear that sum will not go very far, you will do well to exhort them to compleat what is so necessary for their defence. As to the complaint of the Massachusetts Bay against the New Hampshire *Act for continuing the duties on timber etc. exported*, we can say nothing to it, not having yet received that Act. Your desire of having a Judge of the Admiralty has been complied with, and Mr. Byfield has accordingly been appointed. As to what you write about the revenue arising by fines and amerciaments in New Hampshire falling short of the allowance made to the Justices at their Sessions, we can only say that if that allowance be according to Law, we have no objection to it. But, however, you must be carefull there be no abuse in the disposal thereof. We are sorry to find the Assembly so averse to comply with H.M. commands of assisting New York; however, you have done your part in pressing them to it. We have reported to H.R.H. the want of guardships and convoys for New England, and ships are appointed for those services accordingly. Your care and diligence in raising men for the defence of the Province upon the approach of the enemy is very commendable, and we hope by your management the Assembly will be prevailed with to raise the money necessary for the

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maintenance of the said men during the war. We have represented to H.M. the refusal of Connecticut and Rhode Island upon that occasion of sending you 150 men between them, as also your desire of small arms ; likewise the irregularities in Rhode Island, particularly relating to their pretended power of Vice-Admiralty. Whereupon H.M. has been pleased to repeal an Act of theirs, by virtue of which they have claimed an Admiralty Jurisdiction, and to write the inclosed letter which we desire you to send forwards, and to give us an account from time to time how they behave themselves for the future. We are well pleased that Mr. Usher's advancement is acceptable to you, we doubt not of your good correspondence with him, and your impartial justice in what relates to Mr. Allen's pretensions. We inclose a letter from the Earl of Nottingham by which you will see how you are to govern yourself in this conjuncture in relation to the Spaniards. There having been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern your self in the like occasions for the future according to the Commissions and Instructions granted in England with regard to the difference of places, copies whereof are here inclosed. Having reported to H.M. our opinion upon two of the Acts of New Hampshire, in the collection formerly received from you, vizt., *An Act for the confirmation of Town Grants* ; and *An Act to prevent contention and controversies that may arise concerning the bounds of the respective towns within this Province*, and H.M. having been pleased to repeal the same, we send you here inclosed a copy of H.M. Order in Council of November 11 last for that purpose, as also of our Report that you may see our reasons for repealing the said Acts. We are sorry to find the Assembly so averse to settle a salary upon you. And H.M. having often recommended that matter to them without effect, we do not see what more can be done at present. Nor do we think necessary to lay the Act for 500*l.* (given you by them) before H.M., for that you may receive it without H.M. confirmation as you will find by H.M. letter of April 20 last. *P.S.*—H.M. Letters being not yet perfected, will be sent by our next. *Annexed,*

110. i. List of papers referred to in Gov. Dudley's letters, which have not been received. [*C.O.* 5, 911. pp. 208–216.]

Feb. 16. **111.** Mr. Thrale to Mr. Popple. I have made a strict enquiry concerning the persons you gave me yt. were of the Council of the Leeward Islands, and find that Mich. Smith of Nevis, and Francis Carlile and Jno. Corbett of Antegua, are dead, and Tho. Duncombe, in England, will not return ; Jno. Estridge of St. Kitts, is dead ; Steph. Paine and Jno. Davis of the same place are living. *Signed,* Jno. Thrale. *Endorsed,* Recd. Read Feb. 17, 1704. $\frac{1}{2}$ p. [*C.O.* 152, 5. No. 54.]

Feb. 17. **112.** List of the Council of the Leeward Islands. *Nevis :* William Burt, John Smer, Azariah Pinney, James Bevon, William Butler, William Ling, James Thynn, Daniel Smith, Richard Abbot,

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Phineas Andrews (*a*), Phillip Broome (*a*), Thomas Butler (*a*). *St. Christophers*: Walter Hamilton, Lt. Gov., Charles Mathew (*a*), Joseph Crisp (*a*), John Mac-Arthur, Michael Lambert, Henry Burrell, Samuel Crook, John Garnett, James Thynn, John Pogson, Steph. Paine (*a*), Jno. Davis (*a*). *Antegoa*: John Yeomans, Lt. Gov., Rowland Williams, John Fry, senr., John Hamilton, Edward Byam, James Thynn, Henry Pearn, William Coddington, Charles Mathew (*a*), Henry Lyons (*a*); Barry Tankard (*a*), Tho. Morris (*a*). *Mountserat*: Ant. Hodges, jr., Lt. Gov., William Fox, Thomas Lee, William Fry, John Scott, James Thynn, John Dawley, Joseph Little (*a*), William Beddingfield (*a*), George Milward (*a*), George Lydell (*a*), Charles Mathew (*a*). *Mem.* Those marked (*a*) are proposed to fill up vacancies. *Endorsed*, Recd. Read Feb. 17, 170 $\frac{1}{4}$. 1 p. [*C.O.* 152, 5. No. 55.]

Feb. 17.
Whitehall.

113. Council of Trade and Plantations to the Queen. We humbly lay before your Majesty the draught of Instructions for Governour of the Leeward Islands. [*Same as given* to Governor Codrington, 1699. No. 766, *q.v.*, with Additional Instruction relating to proportion (one-half) of English seamen required on vessels during the war.] [*C.O.* 153, 8. p. 249; and 153, 9. pp. 1-31.]

Feb. 18.

114. Jno. Thrale to Mr. Popple. I have attended Mr. Warre with their Lordships' letter to Lord Nottingham, who says it was moved and lyes before the Queen, and there being noe notice taken of ye Representation, his Lordship must have a fresh letter to signifie the necessity of it's being dispatched. *Signed*, Jno. Thrale. *Endorsed*, Recd., Read Feb. 18, 170 $\frac{1}{4}$. $\frac{1}{2}$ p. [*C.O.* 5, 1120. No. 78.]

Feb. 18.
Whitehall.

115. Council of Trade and Plantations to the Earl of Nottingham. The convoy being shortly to sail for New York, where stores of war are very much wanted, that Province being a frontier to the other Colonies against the French, we pray your Lordship to move H.M. upon the list of stores formerly presented, that they may be dispatcht, or such part thereof as H.M. may direct by this convoy, and that we may be inabled to give the Governour an account of H.M. directions therein. *Autographs.* 1 p. [*C.O.* 5, 1084. No. 21; and 5, 1120. pp. 43, 44.]

Feb. 18.
Whitehall.

116. W. Popple to Richard Warr. *Enclosing* draught of Lord Nottingham's letter to the Governors of America, as altered by the Council of Trade and Plantations. *Annexed*,

116. i. Draught of Letter from the Earl of Nottingham to several Governors in America, as altered by the Council of Trade. The States General of the United Provinces having represented to the Queen the advantages and conveniences of the trade with Spain in the West Indies; H.M. upon consideration of the reasons alleged by them has thought fit to approve of their proposal, and to continue the trade and commerce with the Spaniards in

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those parts during this warr in all commodities, excepting stores of warr and ammunition, and such commodities as are prohibited by law to be carryed from H.M. Plantations directly to any foreign country: And H.M. has commanded me to signify her pleasure to you, that you permit and suffer her subjects freely and openly to carry to any place or territory under the Dominion of Spain in America all such merchandizes and commodities as might have been carryed thither before the war, provided there be not among them any stores or ammunition of warr, which you must be very carefull to hinder, and you are likewise to permitt H.M. subjects to bring from the Spanish Dominions in America any merchandize or goods of those parts; and the Dutch having promised to injoyne their privateers in those parts not to disturb H.M. subjects in this trade, you must in like manner require all the privateers under your jurisdiction not to molest any of the Dutch in their trade to and from the Spanish Dominions except only in case of their carrying stores and ammunition of war. But as the reasons inducing H.M. and the States Generall to this resolution are peculiar to the Spanish trade, and respect only the Spanish nation, H.M. would have you take as much care as is possible that the French may receive no benefit by this indulgence. [*C.O.* 324, 8. pp. 372-374.]

Feb. 18. **117.** Council of Trade and Plantations to the Earl of
Whitchall. Nottingham. It will be necessary that copies of the Orders of the States General to their Governors be sent with your Lordship's letter to each of the Governors of H.M. Plantations. [*C.O.* 324, 8. p. 375.]

Feb. 18. **118.** Council of Trade and Plantations to Col. Quarry. We
Whitchall. have received your letters of June 30, July 25, Aug. 4 and 14, and Oct. 15 last. We approve your diligence and endeavours in preventing illegal Trade, and hope the method you have taken to prevent frauds in the importation of bulk tobacco will have a good effect. Upon what you writ relating to Mr. Roger Mompesson's superseding you as Judge of the Admiralty in Pennsylvania, we have represented that matter to H.R.H., upon which your Commission has been again renewed. We also writ in your favour to the Commissioners of H.M. Customes upon occasion of Mr. Randolph's death, whose place was thereupon immediately conferred upon you, we doubt not of your care and pains therein. You not having in any of your foresaid letters acknowledged the receipt of ours of Feb. 25, 1703, which inclosed to you H.M. Order in Council of Jan. 21st, we send you a copy of the said Order, which you will communicate to the Deputy Governour of Pennsylvania, that he may govern himself accordingly. We sent copies of our said letter to you under cover to the Lord Cornbury and to Coll. Nicholson. As your

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correspondence is very acceptable to us, we desire you to continue the same upon all occasions. [C.O. 5, 1290. pp. 441, 442.]

Feb. 18. **119.** H.R.H. the Lord High Admiral to Governor Mathew. Empowering him to give orders to H.M. ships appointed to attend upon the Leeward Islands, for cruizing and protecting H.M. subjects. *Signed*, George. *Endorsed*, Reed. Read March 9, 1704. *Copy*. 1 p. [C.O. 152, 5. No. 56; and 153, 8. pp. 259, 260.]

Feb. 19. **120.** Lt. Gov. Usher to the Council of Trade and Plantations. Newcastle. By this conveyance you will have Col. Dudley's Speech on the 11th inst., representatives' answer on 12th. One half hour after the answer read, the Assembly order'd to be prorogued, to speak truth Assembly called for the Speech. I humbly conceive for H.M. service taking care of the fort, repairing the same, and securing of it had been of greatest concernment the which to this day is not done, no timber, boards or planeks so much as agreed for, there was two small gunns for salutes, which Col. Dudley about one year since taken out of the fort is not returned again. *Repeats about Capt. Hinks etc.*, Dec. 19, Jan. 19, *etc.* There was against Mr. Hinks a Petition to H.E. and Council of two soldiers for 30*l*, paid by the Treasurer for their wages due to May last, Hinks refuses to pay, the soldiers directed to prosecute Hinks at next Court *in forma pauperis*, so they will be kept out of their money above one year and have one year's wages more due, the poor soldiers have not bread to eat, but what is begged out of charity to be supplied, so the fort neglected, the poor oppressed, all because Mr. Hinks first in Council, to speak the truth such things dishonourable. The 18th instant I visited the out-garrisons, find all families at their respective houses, not in garrison, and secure as if no war, notwithstanding the enemy hath twice made attacks at garrisons in severall places, killed and carried away alive many of H.M. subjects. There has ben volunteers after the enemy, but returned without seeing one enemy or one living creature. Boston Government hath made taxes for 12 or 15 rates, which will amount unto above 30,000*l*., this Province not made rate for one penny, though surrounded by and most exposed to the enemy. Your Lordships will find by Representatives' answer [*see under March 3*] they are for Mr. Allen to have $\frac{2}{3}$ of the land up in the country, one foot of land by the seaside is of more value than 100 foot in the country, the first settling of this country was by Mr. John Mason, who sent over servants and chattell for settling the place, when Mr. John Mason dyed his servants entred upon and took possession of the lands, have disposed of the same, together with the stock, which amounted to 2,500*l*., and sold the same. Mr. Robert Mason, who derived his title from Mr. John Mason, hath for 43 years made a constant claime. As to the town bounds, by which the[y] make a claime, the said town bounds were never appointed above four or five years ago, so the priviledge of commons for wood and feeding no right unto, neither has the General Assembly

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power to settle town bounds, or grant power to dispose of lands ; by seizing the Government in Oliver's time, Mr. Mason kept out of his right to this day. As to hazard of their lives and bloodshed for defence of the place is no more then all H.M. Governments, and as for the treasure expended, is all had of the wast and uninclosed lands, as for the Indian war which hath expended a treasure, I judge the war with Indians of late was occasioned by one Major Walderen, who in a former war invited Indians in giving assurance they should have their lives and liberty, upon which the Indian enemy came in and surrendered themselves, when so done were seized, many shot to death, and the rest shipt off for slaves, which usage the Indians will not forgett ; in the Assembly's answer they desire H.E. favourable representation for them, which judge he will, they being able to give great presents, but hoped will not availe ; H.M. having given directions thereon, the mony presented H.E. is not out of duty but intirest. H.E. communicated H.M. letter as to misaplying of the Revenue, that the Assembly takes no notice of, so overlooked, and Gov. Dudley will not enquire into that matter because above 1,100*l*. Mr. Partridge and Vaughan received all by contrivance of Mr. Walderen (who though no Assembly-man drew up the said Speech) and by reason of him money presented, and disbursements for entertainments. Walderen is Governor, all things to be done as he pleases, in a word the Lieutenant Governour signifyes nothing but made a laughing stock to serve Walderen's intirest. Your Lordships will find in the answer a complaint for pressing Judges, Justices and cheif men as private sentinells and sending out on a scout, the clause in the Act for pressing men in the Province I here enclose with copy of a warrant for pressing, the design of the Act was for oppressing the poor by serving and the rich go free, a rich man that has but one man shall only serve, and a poor man or trader that has five or six they must all serve, the very impotent and sick that cannot march must pay 2*s*. 3*d*. a day, an unjust Act however I begin with the rich and shall so do leaving the poorest to the last, a contrivance to save rich men's estates the poor to do all. As to trees to be preserved for masts, abundance this winter destroyed for masts, and beleive in ten years' time H.M. cannot be supplied with masts from hence as now is unless some possitive orders to prevent the same. When I was in England the Earl of Linrick did discourse of settling the Eastern Country, if H.M. please to grant the same to him, I doubt not but the Indian Enemy will be soon subdued, and will be a settling of those parts, a great security against French and Indian enmy, which they possess without disturbance. The Eastern Country the onely place for Navall Stores, and for supplying H.M. therewith the country is able to do it ; to be carried on to effect, must be by a Company. I find none against it but some Merehants, who think a Company will be prejudiciall to their particuar interest, but judge may be of great advantage to the Crown and the English Nation, and to the whole country ; there are new discoveries of great Tracts of Land with Trees fitt for rosom, pitch and tarr. William Partridge comes by this

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conveyance, who, when I was in England, exhibitted a charge entring on Government without being qualified. I send copy of a Commission stiling himself Commander in Chiefe, by it the Act makes 1,000*l.* forfeiture, besides his contempt to your orders; his entring on Government I send you Minnit of Councill, besides which I judge is answerable for issuing out moneys in the Treasury by orders under his hand (*copies enclosed*) in moneys paid to Mr. Partridge, 'tis said in the order for disbursements, but no acct. on file for *1*l.** disbursed: there has bin 1,167*l.* paid out of H.M. Revenue to Wm. Partridge and Wm. Vaughan, which humbly desired may be inquired into, in case Partridge and Vaughan be in England; if they give security to answer for the Queen's Revenue the abovesaid summe, am redy to make appear to be misapplied. One Wm. Furber was for a misdemeanor sentenced to pay 20*l.*, eommitted to prison for the same. Mr. Partridge settis him at liberty. I do not find by the Instructions power to remitt a fine of above 10*l.*, said Furber a person disaffected to Crowne Government etc. Here is one Mr. Mentzis, a loyal able person whom I make bold to recommend for Secretary and Recorder, none on the place having a Commission. King William was pleased to order the books of Records to be put into the secretary's hands, that refused: your Lordships have ordered the same, that disobeyed: the books being demanded of Mr. Penhallow refused to deliver them, alleading because were put into his hands by order of Wm. Partridge, Lt. Gov., Council and Assembly. I have for Mr. Allin ben searching ye Records for Judgements obtained in Mr. Mason's time and for evidences in ye case, find in the Books of Records all the Judgements cutt out, in all 23 leaves. And all the proceedings as to Title and Evidences taken away, which is great injustice, and of a high misdemeanor. And yett those Persons are the persons in place of trust and power, and persons of honour and justice laid aside to serve private ends. The Treasurer and Major hath no Commissions; those two places reserved for Major Vaughan of Antimonarchicall principles, *etc.* Several persons served H.M. at Jamaica, the Cpts. promising great wages and press money, but when listed paid them none, which makes great murmuring here. My Lords, this Province is of greatest concernment to the Crown for supply of Navall Stores: the place even the Key of all other places is but weake in itselfe; humbly propose H.M. frigatts ordered for these parts, there station may be appointed for Newcastle, where they may be as well supplied with provisions, a safeguard to the place, a benefitt for procuring masts, a great discouragement to the enemy. *Repeats former statements. Prays for* directions how far my power is to be extended in absence of the Governor. I have account that Capt. Walton and one Capt. Browne, both good men, Commanders in Boston Government, hath orders to consult with Mr. Walderen so to act as by his advice, in ease I am betrustrd with the Queen's Commission, Mr. Walderen to do all I think disrespect to Queen's Commission. My principalle is not to countenance any ill thing in rich or poor, but if do not countenan ce

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the rich therein, I must be as a cipher. As to affairs of the Province, beg your Lordships to send for Masters of vessels, as Capt. Eason, and passengers to give account. *Signed, John Usher. Endorsed, Recd. 11th, Read 23rd May, 1704. 2½ pp. Enclosed,*

120. i. List of Members of Council of New Hampshire who do not attend: Wm. Partridge, dismiss on request; Nathanl. Fryer, ditto; John Hincks, refuses; Nathanl. Waren, by reason of age cantt; Wm. Vaughan, absent; John Garish, not this five months attend in Council.
- Humbly offer as loyal persons: Major Jos. Smith; Winthrop Hilton; Kingley Hall; Thomas Packer; Peter Waer. *Same endorsement. ¾ p.*
120. ii. Copy of the accounts of Wm. Vaughan, Treasurer, 1698. *Same endorsement. 2 pp.*
120. iii. Copy of an account of money paid by the several Treasurers of New Hampshire to Lt. Gov. Partridge, with copies of his orders for payment of the same, 1698–1701. *Same endorsement. 2¾ pp.*
120. iv. Copy of a Clause of an Act of New Hampshire, past Oct. 6, 1703, for scouting after the French and Indians; of Minutes of a Council of War (Dec. 22) and Lt. Gov. Usher's order thereupon, Dec. 24, 1703, for impressing soldiers to scout. *Same endorsement. 1½ pp.*
120. v. Copy of Minutes of Council of New Hampshire, Feb. 8, 1696, relating to orders for seizing Mr. Usher; and (Dec. 14, 1697) to Mr. Partridge's publishing his Commission as L.G.; and (March 3, 170¾):—The L.G., now going to Boston, acquainted the Council that he had visited some of the Garrisons and found none in garrison as the Law directs; also that he lately gave a Commission to Capt. Walton for Capt. of Fort William and Mary, with orders to Capt. Hinkes to deliver H.M. Stores, who refused; therefor designs to leave the fort under the management of Lt. Theodore Attkinson. *Same endorsement. 1¾ pp.*
120. vi. Copy of a Commission from Lt. Gov. Partridge to James Randle to be ensign of a Foot Company, April 1, 1698. *Same endorsement. 1 p.*
120. vii. Deposition of Joseph Smith that on Dec. 30th, 1697, John Usher published orders from Whitehall and the Proclamation of Peace at Hampton and Newcastle, and sat in Council Dec. 13th. On Dec. 14 Wm. Partridge issued a warrant to apprehend Wm. Ardell, Sheriff, commissioned by John Usher. *Same endorsement. Copy. 1 p.*
120. viii. Extracts of letters from Governor Dudley to Lt. Gov. Usher, relating to Capt. Hinks, Oct. 28 and Nov. 28, 1703. [*See under Jan. 19 and March 3.*] *Same endorsement. Copy. 1 p.*
120. ix. Lt. Gov. Usher's Report to Gov. Dudley upon Capt. Hinks' neglect of the Fort etc. Feb. 8. 170¾.

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Same endorsement. Copy. 1 p. [C.O. 5, 863. Nos. 78, 78.i.-ix. ; and (without enclosures) 5, 911. pp. 312-326.]

Feb. 21. **121.** Council of Trade and Plantations to the Queen. We
Whitehall. humbly offer that the stores necessary for the Leeward Islands
(see Feb. 2 and 12) be sent by Governor Mathew to the said
Islands. [C.O. 153, 8. p. 253.]

[Feb. 21.] **122.** Opinion of R. Mompesson, Counsel at Law, upon the
Jurisdiction of the Admiralty Courts in the Plantations, Aug. 15,
1699. *Described in Col. Quary's Letter, July 25, 1703. Endorsed,*
Reed. Read Feb. 21, 170 $\frac{3}{4}$. *Copy. 4 $\frac{3}{4}$ pp. [C.O. 5, 1262.*
No. 67.]

[Feb. 21.] **123.** Moses Stringer, Professor of Phisick and Chemistry,
to the Queen. If it shall please your Majesty to grant him and
Company a Charter and Letters Patents for settling and fortifying
Tobagoe and Trinidado, when they can purchase the same and
the Virgin Island, and for asserting the King of Spain's right
and proclaiming him in all his Colonies in America, and for making
captures upon the enemy in the North and South Seas of America
and for building and endowing a Colledge upon the Island of
Tobagoe and founding a large Hospital near the City of London
for infants and such men as may become maim in their service,
the *above* promise to fit out 60 saile or more of private men of
war, besides merchant ships, to rendezvous at Tobago, and to
transport thither such numbers of indigent families as will be
sent by some wealthy merchants and others who have subscribed
for 40,000 acres of land there *etc. Elaborates proposals.* If
H.M. give Stringer and Co. full power to destroy the enemies'
ships, they will do it until they have not left one in America,
neither French nor Spanish, and will for the future bring all the
King of Spain's treasures to Tobago, and there deliver it to your
Majesty's ships to be carryed to Spain, so that they never more
may have an opportunity of increasing their navigation, or
otherwise with your Majesty's assistance will farm the mines of
his Catholick Majesty, *etc.* And whereas the Emperor of Caribe
Nation lives upon the large fertile Island of Trinidado, whereon
he has vast numbers of subjects, and comes once a year in his
periaguoes a-processioning round the Island of Tobagoe, claiming
it as his, and hath many times disturbed the settlement of Tobagoe,
he has several Colonies of Spaniards upon Trinidado, with whom
he lives amieably, but hitherto there has been a misunderstanding,
and too often violent and bloody actions betwixt the English
and those natives who are very numerous, and can now joyn
the Spaniards under French Government and with their periaguoes
pour vast numbers thereon, and the French may exert their politics
to the great damage of the American trade, wherefore Moses
Stringer, if your Majesty pleases, at their own cost will go your
Majesties Ambassador to the Emperor of the Caribe Nation and
make a perpetual peace with him *etc. etc. Some queries and*

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answers as to the Navigation Laws etc. Endorsed, Reed. Read Feb. 21, 1703. 7 closely written pp. [C.O. 28, 7. No. 19.]

Feb. 21. **124.** Mr. Jenings to [? W. Popple]. Their Lordships were
 fpring Garden. pleased to dispense with my attendance for sometime to visit
 my relations in Yorkshire. I went to provide a place in ye York
 Coach for to goe this day or sooner, but found ye coaches taken
 up till ye 9th of ye next month. *Proposes to wait on the Board
 before leaving London. Signed, E. Jenings. Endorsed, Reed.
 Read Feb. 21, 1703. Holograph. 1½ pp. [C.O. 5, 1313.
 No. 39.]*

Feb. 22. **125.** Mr. Thurston to Mr. Popple. I entreat the favour
 of you to lay the enclosed before the Council of Trade and
 Plantations. It may possibly be taken notice of that the whole
 pay of the Company at Newfoundland is now demanded, whereas
 the subsistence only was required formerly. But the same
 is conform to the method the Lord High Treasurer has seen fit
 to take with them for these two years past, and by that means
 they stand fully cleared from Christmas, 1701, to Christmas last.
 But before that time, all mony issued was not to any deter-
 minate space, but on account only, which passing through the
 hands of many officers, I humbly conceive it absolutely necessary
 for the Service that the same be adjusted; and then, what shall
 thereupon be found to exceed the subsistence for the time
 preceding the Lord Treasurer's clearing may be otherwise applied,
 either towards payment of the Company's arrears, or towards
 satisfying the present demand exclusive of provisions, which
 must still continue in the same way of advance, from summer
 to summer, or the men perrish. Yet my Lord Treasurer is at
 present determined not to make any payment beyond Christmas
 as the Parliament direct their funds. *Signed, J. Thurston.
 Endorsed, Reed. Feb. 22, Read March 2, 1703. 2 pp. Enclosed,*

125. i. State of the Arrears of the Company at Newfoundland.
Total 221l. 4s. 2d. 1 p.

125. ii. Wanting for the Company at Newfoundland, 1704.
*Total, 916l. 12s. 8d.; a year's provisions, the value of
 malt and hops in money (not enough sent last year),
 and a chest of medicines etc. Signed, J. Thurston.
 1 p.*

125. iii. Small cloathing necessary for the Company at New-
 foundland, 1704. *Total value, 53l. 13s. 4d. ¾ p. [See
 Acts of Privy Council II. No. 926.] [C.O. 194, 3.
 Nos. 13, 13.i.-iii.; and 195, 3. pp. 260-265.]*

Feb. 22. **126.** Council of Trade and Plantations to the Earl of
 Whitehall. Nottingham. We have examined the list of the Council of
 Barbados, as also the list of such as the Governours have recom-
 mended to us, which are inclosed. There is no vacancy at present
 in that Council, the compleat number thereof being twelve and
 no more. And as to Col. Downes, who is one of the persons

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recommended. we have no objection against him, but on the contrary a very good character of him as well as of every other person in the said lists. [C.O. 28, 9. pp. 388, 389.]

Feb. 23. **127.** Order of Queen in Council. Approving Representation
St. James's. of Feb. 16 and ordering the Earl of Nottingham to prepare a letter for H.M. signature, to be sent to the Governor and Company of Rhode Island by the first conveyance. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 1262. No. 68; and 5, 1290. pp. 446, 447.]

Feb. 23. **128.** Order of Queen in Council. Approving Representation
St. James's. of Feb. 16, and ordering Lord Nottingham to prepare letters for H.M. signature to be sent to the Governors by the first conveyance accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 170 $\frac{3}{4}$. 1 p. [C.O. 323, 5. No. 39; and 324, 8. p. 379.]

Feb. 23. **129.** Order of Queen in Council. Ordering the draught of
St. James's. Instructions for Gov. Mathew to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 170 $\frac{3}{4}$. 1 p. [C.O. 152, 5. No. 57; and 153, 8. p. 256.]

Feb. 23. **130.** Order of Queen in Council. Ordering stores for the
St. James's. Leeward Islands as recommended Feb. 21. The Lord High Treasurer to cause the money necessary to be issued, and the Duke of Marlborough, Master General of the Ordnance, to cause the said stores to be delivered to the Governor of the Leeward Islands. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 170 $\frac{3}{4}$. 1 $\frac{1}{4}$ pp. [C.O. 152, 5. No. 58; and 153, 8. pp. 257, 258.]

Feb. 23. **131.** Order of Queen in Council. Referring Representation
St. James's. of Feb. 16 to the Duke of Marlborough, Master General of H.M. Ordnance, to return an estimate of the charge of small arms required for the Massachusetts Bay, with his opinion what is fitt to be done therein. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 863. No. 80; and 5, 911. pp. 218, 219.]

Feb. 23. **132.** Order of Queen in Council. Approving of Representa-
St. James's. tion of Feb. 16, relating to Connecticut and Rhode Island, and ordering the Council of Trade and Plantations to prepare draughts of letters for H.M. approbation accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read March 21, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 863. No. 79; and 5, 911. pp. 220, 221.]

Feb. 23. **133.** Order of Queen in Council. Appointing Dudley Diggs
St. James's. Member of Council of Virginia. Lord Nottingham to prepare a warrant accordingly. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read 14th Sept., 1704. 1 p. [C.O. 5, 1314. No. 1; and 5, 1361. pp. 26, 27.]

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Feb. 23. **134.** Order of Queen in Council. Referring enclosed petition to the Council of Trade and Plantations to examine and report upon. *Signed*, John Povey. *Endorsed*, Recd. Read March 2, 1703. 1 p. *Enclosed*,

134. i. Petition of James Cowse of Barbados and Elizabeth his wife to the Queen. *Complain* of delays in the proceedings in the Courts of Barbados, in their claim for money left her by her father, William Sharpe, proceedings which, owing to the influence of William Sharpe, his son, defendant, a Member of the Council and Judge of the Court of Chancery, have resulted in four years' delay without any answer put in by defendants, notwithstanding two Orders in Council of the Lords Justices and his late Majesty, and *beg* that defendants be obliged to put in their answer. *And see* March 16. *Copy*. 3 pp. [*C.O.* 28, 7. *Nos.* 20, 20.i.; and 29, 8. pp. 397-405.]

Feb. 24. **135.** Council of Trade and Plantations to the Earl of Whitehall. Nottingham. *Enclosing* a letter of revocation for H.M. signature recalling Governor Codrington. *Annexed*,

135. i. Draught of a letter for the revocation of Col. Codrington, *as usual in such cases*. *Countersigned*, Nottingham. *Dated*, Dec. 27, 1703. [*C.O.* 153, 8. pp. 254-256.]

Feb. 24. **136.** Earl of Nottingham to the Council of Trade and Whitehall. Plantations. *Enclosing following* letter, continuing trade between the Plantations and the Spanish Dominions, "whereby your Lordships will understand H.M. intentions, that so pursuant thereunto the Instructions to the Privateers in those parts may be altered, and suited to the present case, for which purpose H.M. would have your Lordships give the necessary directions." *Signed*, Nottingham. *Endorsed*, Recd. Read Feb. 24, 1703. 1½ pp. *Enclosed*,

136. i. Copy of Circular Letter from the Earl of Nottingham to Governors of Plantations. *See* Feb. 18. 1¾ pp. [*C.O.* 323, 5. *Nos.* 40, 40.i.; and 5, 209. pp. 12-16; and (without enclosure) 324, 8. pp. 376, 377.]

Feb. 25. **137.** Lt. Governor Usher to Mr. Popple. Repeats gist of Newcastle. letters of Jan. 19 and Feb. 19 *etc.* *Endorsed*, Recd. 11th, Read May 25th, 1704. *Addressed*. *Sealed*. *Holograph*. 1½ *closely written* pp. [*C.O.* 5, 863. *No.* 82.]

Feb. 26. **138.** Wm. Bridges to Wm. Blathwayt. *Encloses* a pro- The Tower of London. portion of ordnance stores necessary for Barbados, to lay before the Council of Trade and Plantations, it being part of what was formerly apply'd for by the Lord Gray, *etc.* *Signed*, Wm. Bridges. *Endorsed*, Recd. Read Feb. 28, 1703. 2 pp. *Enclosed*,

138. i. List of stores referred to in preceding. 2 pp. [*C.O.* 28, 7. *Nos.* 21, 21.i.; and (without enclosure) 29, 8. p. 390.]

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Feb. 28.
Whitehall.

139. W. Popple, jr., to John Bennet. The Council of Trade and Plantations will allow you 6 months to produce authentick proofs of the charges against Mr. Jones (*Jan. 24 etc.*), and particularly an attested copy of the Record of his conviction of perjury. [*C.O.* 38, 5. *pp.* 465, 466.]

Feb. 28.
Whitehall.

140. Council of Trade and Plantations to Lord Granville and the Principal Officers of H.M. Ordnance. *Enclose copy of No. 138, and desire an estimate of the value of the stores referred to.* [*C.O.* 29, 8. *p.* 391.]

Feb. 28.
Newcastle.

141. Sampson Sheafe to the Council of Trade and Plantations. I attended H.E. [*Dudley*] in Council and satisfied him on the particulars referred to by your Lordships. *Refers* to a memorial by Col. Romer. The Records of this Province remains as they did; how they have been preserved, or rather imbezled, your Lordships will receive the relation from a better hand. No Court of Chancery yet allowed, for want whereof manie honest men complain they suffer. No Court of Admiralty at present, the last Deputy Judge his Commission being determined. It will be a very rare thing if anie Jury in this Province [*New Hampshire*], upon anie trials upon ye Acts of Trade *etc.* bring in a verdict for H.M., tho' never so plainly forfeited. The Indians are daily doing mischief. This Province hath hitherto escaped, but we must expect before next summer expire our share. The divisions both in this and ye neighbouring province does forebode bad successe, *etc.* H. E. hath an hard taske of it, for between good willingness and a strong desire in him to please all and an impossibilitye so to do, it is no wonder if impatience does sometimes arise, he findes it very difficult to obtaine anie good proceeding in anie thing for H.M. service, tho' he proposes it with never so much prudence, and if he displease, no more money. The Lt. Gov. [*Usher*] on publishing his Commission was entertained very coldly, and his Commission is much sleighted; he seemes to be a gentleman very sinceere and loyall for H.M. service and the best good and security of H.M. subjects here; but he is come to a ticklish Government, in respect of ye people, especially some of them, who are of an ungovernable spirit, and notwithstanding all their pretensions, against monarchical govrnt. A Commander for ye Fort, and a Compa. of soldiers sent hither I presume would be very serviceable and needful. The People here continue their ill talent toward their Proprietor, tho' in a late answer of the Assembly to H.E. Speech, they seem to admit his title, and submit themselves to H.M., yet they still express themselves that they will rather spend their whole estates then he should have anie interest here, and yet manie of their predecessors were sent over by Capt. Mason as servts., who first settled this Province at his own charge amounting to more then 16,000*l.*, besides manie thousand pounds since. These men, so soon as they heard of their master, Capt. Mason's death, seized his estate and made settlements for themselves of ye best of ye land as they pleased. Endeavors have been made to reconcile the inhabitants and Col. Allin,

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but in vain, by reason of some ill instruments, who work upon both parties to set them further asunder, making their particular advantages thereby. The fees of the office of Collector here are not sufficient for the subsistence of a single person. I have made several seizures to my great charge and hurt, for thoro' the favour of those then in govrmt. the causes went against H.M. In Mountess's cause I expended at least 80*l.*, and in triall of ye cotton wooll above 20*l.*, both plain cases, so that I have officiated almost for nothing. I have formerly been Secretary, deplaced without anie fault found to make way for him now employed; he hath no Commission and is a stranger. If your Lordships please to direct that I may be restored to that place and Keeper of ye Records, I shall thankfully accept *etc.* *Signed*, Sampson Sheafe. *Endorsed*, Reed. April 29, Read May 23, 1704. *Addressed. Holograph. 2½ pp. Enclosures referred to missing.* [*C.O.* 5, 863. *No.* 83; and 5, 911. *pp.* 306-312.]

[Feb. 28.] **142.** Pennsylvania Company to the Council of Trade and Plantations. Reasons why they cannot undertake the importing of Naval Stores from the Plantations without a Charter. *Endorsed*, Reed. Read Feb. 28, 1703. 1½ *pp.* [*C.O.* 5, 1262. *No.* 69; and 5, 1290. *pp.* 443-446.]

Feb. 29. **143.** Mr. Bridger to the Council of Trade and Plantations. I have seen the Gentlemen concerned with me, who pray(s) me to acquaint your Lordships that, if there be a Company granted, concieve twill much advance the price of those stores there, and the mighty price now given here, being 3*l.* per barrel tarr, 30*s.* per ewt. pitch, and no probability of being cheaper, they cannot supply the quantity under 35*s.* per barrel of tarr and 22*s.* the cwt. for pitch, by reason the scarcity here is known in all places proper for the raising those stores, wch. has much advanced them in the Plantations, from 10*s.* per barrel to 16*s.* tarr, but if your Lordships will give us such dispatch as we may depart hence by the midle or last of Apprile wth. convoy, they are willing to proceed on the last price mentioned, otherwise to dissist. *Signed*, J. Bridger. *Endorsed*, Reed. Read March 2, 1703. 1 *p.* [*C.O.* 5, 863. *No.* 84; and 5, 911. *pp.* 216, 217.]

Feb. 29. **144.** W. Popple to Richard Warr. *Enumerating* Governors of Whitehall. [*all*] the Plantations and Proprieties *etc.* to which the Council of Trade think the Circular letter relating to Prizes should be sent, and enclosing copies of H.M. Declaration to be sent therewith. [*C.O.* 324, 8. *p.* 377, 378.]

Feb. 29. **145.** Jeronimy Clifford to the Council of Trade and London. Plantations. Proposing 3 merchants to state his accounts [*see* Feb. 10]. *Signed*, Jer. Clifford. *Endorsed*, Reed. Read March 2, 1703. 1 *p.* [*C.O.* 388, 75. *No.* 87; and 389, 36. *p.* 177.]

Feb. 29. **146.** Attorney General to the Council of Trade and Plantations. Report on the case of the Mohegan Indians, *quoted*

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[*see Dec. 3, 1703, Feb. 1.*] *Subscribed*, It doth not appear to me that the lands now claimed by the Indians were intended to pass or could pass to the Corporation of the English Colony of Connecticut or that it was intended to dispossess the Indians who before and after the Grant were the owners and possessors of the same, and therefore what ye Corporation hath done by ye Act mentioned is an apparent injury to them, and H.M., notwithstanding the power granted to that Corporation, there not being any words in the Grant to exclude H.M., may lawfully erect a Court within that Colony to doe justice in this matter, and in ye erecting such Court may reserve an Appeale to H.M. in Council, and may command ye Governors of that Corporation not to oppress those Indians or deprive them of their right, but to doe them right notwithstanding the Act made by them to dispossess them, which I am of opinion was illegall and void. *Signed*, Edw. Northey. *Endorsed*, Recd. Read March 3, 1704. 4 pp. [*C.O.* 5, 1262. No. 70; and 5, 1290. pp. 451, 452.]

[? Feb.] **147.** Lt. Gov. Usher to the Council of Trade and Plantations. *Repeats* part of letters Feb. 19 etc.

Since my arrival in visiting the garrisons etc., I have spent above 50*l*. My Commission bears date June 14, 1703. Having moved to the Country for a House and mony for support of the Government, they refused. Now being in my fifth year serving the Crown, hope H.M. will grant reliefe for my support etc. The little time I have been here, have done more as in visiting the garrisons and security of the Forts than all the Governors put together since 1696, etc. If Col. Dudley or any writes anything against me, desire no more then I may know what it is, and give an answer upon a fair hearing etc. *Signed*, John Usher. *Endorsed*, Recd. April 29, Read May 8, 1704. *Addressed*. *Holograph*. 1 p. [*C.O.* 5, 863. No. 77; and 5, 911. pp. 278-280.]

[? Feb.] **148.** Governor Codrington to the Council of Trade and Plantations. I did not intend to amuse your Lordships when I promist yr. Lordships to give you a good acct. of things here. As to ye condition of the Islands Col. Thomas was sent home on purpose to give it yr. Lordps. wth. full instructions from myself, the Council and Assembly, and I thought yt. method wd. be of greater use than a letter, since he might further answer such questions as your Lordps. should think fit to ask. I have had a very capricious, and at this time almost a distracted People to deal with, and in good earnest tho I have had a great deal of trouble with them they are rather to be pityed than blamed. What I chiefly aim'd at, and what I have been labouring at ever since I came over (except from ye taking of St. Christophers till ye late recovery of my health) was to send your Lordships ye satisfactory news that I had put our Courts of Justice upon a better foot than they were in when I arrived. I had brought ye Assembly to a pretty good temper and we were reforming our very bad Aet, when I recd. orders from my Lord Nottingham to prepare for ye assistance of Jamaica. The people here beleived

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these Islands were to be perfectly sacrificed and abandoned, and were so out of humour, that for a good while I could persuade 'em to do nothing in public busnes; but I have incessantly pursued my point, and now send yr. Lordps. a much better Act of Courts than is any where in the Indys, or perhaps any where else. I have also brought 'em to a resolution of reviewing all their Acts, and if I had continued here, I beleive yt. work wd. have been finisht by ye next Spring, however I hope it will goe forwd.; I am now going to ye other Islands, and beleive I shall easily get ye same Act past in all of them. I have more than once prepar'd them good Acts, but they still made amendments and stuff in all yt. was bad in ye Antigua Act, so that I found till that was altered noe good was to be done any where else; to gain this point has cost me more pains than I shall trouble yr. Lordps. wth. an acct. of; 'tis at last well got over, the merchant will have no further reason to complain, and my successor will have little to doe but to see this Act, and yt. of ye Militia duly executed to keep all things in good order; I am told I may expect Col. Mathews here in May; I cannot prepare for my voyage under two or three months, and shall not be willing to come over just before the winter, so I design to go up and settle my affairs in Barbadoes, and shall not have ye honour of seeing your Lordships before the next spring. *Signed*, Chr. Codrington. *P.S.*—I have also perswaded the Assembly to go on wth. their great fortification on Monks Hill, tho' they think it very hard and beleive they ought to be trusted with ye applycation of ye $4\frac{1}{2}$ per cent. as well as ye gentlemen of Barbadoes. *Holograph*. $3\frac{1}{2}$ pp. [*C.O.* 152, 5. No. 59; and 153, 8. pp. 267-270.]

[? Feb.] **149.** Duplicate of preceding. *Endorsed*, Recd. 24th. Read 25th April, 1704. [*C.O.* 152, 5. No. 60.]

? March 1. **150.** Board of Ordnance to the Council of Trade and (Written Plantations. *Enclose following*. *Signed*, C. Musgrave, Wm. February.) Bridges. *Endorsed*, Recd. Read March 2, 1704. 1 p. *Enclosed*, Office of 150. i. Estimate of the value of the stores required for Ordnance. Barbados. [*See Feb.* 28.] Total. 7,667*l.* 6*s.* 5*d.* 3 pp. [*C.O.* 28, 7. Nos. 22, 22.i.; and 29, 8. pp. 392-395.]

March 2. **151.** Council of Trade and Plantations to the Queen. We Whitehall. humbly lay before your Majesty the draught of a Commission for Col. Handasyd to be your Majesty's Captain General and Governor in Chief of Jamaica, together with an additional Instruction relating to quarters for your Majesty's Regiments there. *Annexed*,

151. i. Additional Instruction to Governor Handasyd. Whereas by an Act past in Jamaica in June last, entituled an *Act for raising money for providing an addition to the subsistance of our officers and soldiers*, it is left to the choice of the inhabitants either to receive the soldiers into their houses or pay them 5*s.* per week for quarters,

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by which means the soldiers receiving this money mispend it to the ruine of their health and are frequently left without quarters, it is our will and pleasure, that you recommend to the Council and Assembly the case of the said officers and soldiers, so that a clause may be inserted in a future Act, or other provision made by which quarters may be secured to the soldiers, and not money allowed them instead thereof, whereby the forementioned inconveniences may be prevented. [C.O. 138, 11. pp. 151-153.]

March 2. **152.** Order of Queen in Council. Approving above Representation, and ordering the said draught of a Commission for Governor Handasyd to be prepared for H.M. signature and to pass the Great Seal. Lord Nottingham is to prepare the said draught of an Instruction, both which are hereunto annexed, for H.M. Royal Signature and sent to the said Governor. *Signed*, John Povey. *Endorsed*, Recd. Read March 9, 170 $\frac{3}{4}$. 1 p. [C.O. 137, 6. No. 41; and 138, 11. pp. 153, 154.]

March 2. **153.** Council of Trade and Plantations to the Queen. We humbly offer that the stores required [Feb. 28], or such part thereof as the present state of the Revenue of 4 $\frac{1}{2}$ p.c. arising in the Charibbe Islands may answer, be sent to Barbadoes for the security thereof. [C.O. 29, 8. p. 396.]

March 2. **154.** Order of Queen in Council. *Referring above Representation* to the Lord High Treasurer, who is to consider how far the demand may be complied with in relation to the present state of the Revenue of 4 $\frac{1}{2}$ p.c. *Signed*, John Povey. *Endorsed*, Recd. Read March 9, 170 $\frac{3}{4}$. 1 p. [C.O. 28, 7. No. 23; and 29, 8. pp. 409, 410.]

March 2. **155.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. Enclosing report upon petitions of Sir Richard Levett *etc.* to be laid before H.M. 1 p. *Note on back*: H.M. approves of the Report so far as yt. ye ships shall not be stopt for convoys: letters to the Governors accordingly; as to the press, care is taken for that in a Genll. Standing Order to ye Governor and Commander. *Enclosed*,

155. i. Sir Richard Levett and William Lone, in behalf of themselves and the rest of the owners of the *Dolphin* and *Mermaid* now lying in Bristol outward bound for Callabar. These ships, carrying letters of marque, and being lately arrived from Virginia, where they delivered in Sept. last 546 slaves for the benefit of the inhabitants there and in Maryland, and paid also to the said Governments 546*l.* by virtue of an Order of Council in those Colonies made for all ships bringing slaves there to pay 20*s.* per head for every slave towards the building of a Colledge and other charitable uses, and were afterwards not permitted

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by the said Governours of Virginia and Maryland to take in any of the growth of those Plantations, unless they would continue there untill a convoy should present from some other of your Majesty's Plantations, there being no convoy there to convoy them to England, altho' built on purpose to saile without convoy, nor were permitted to clear in their ballast directly from thence for England, but were obliged upon their being cleared, to give bond to touch at the Island of Maderas, which severe usage being of great discouragement to your Majesties subjects adventuring their estates for the support of your Majesties Plantations and to trade in general, Petitioners pray for H.M. letters commanding all and every of the Governours of your Majesties Plantations in the West Indies or Virginia, into what Port soever the said ships shall of choice put in or by contrary winds be forced into, not to detain them beyond the time their Commanders shall judge agreeable to the interest of the owners, nor that any of their ship's crew shall be lyable to be imprest by any of your Majesty's Commanders of ships of war *etc.* 3½ pp.

155. ii. Sir Richard Levett and William Lone to the Queen. In a former petition laid before your Majesty in Council, Feb. 18, the merits of which was referred to the Lords Commissioners for Trade and Plantations by Sir Charles Hedges, with an exception to so material a part in it as related to the impressing of ye men, to which they in all humility refer. Since so few ships are concerned in the African Trade on account of the great hazards which particularly attends that Trade more than others, and the said Trade is of so great advantage to your Majesty's Plantations in America, and generally at the arrival of such ships from Guinea at Jamaica, or any other of your Majesty's Islands *etc.* in those parts, one half of the ship's crew are disabled by sickness, *Pray for protection for these ships*; "Otherwise their Letters of Mart, which might make them of service to your Majesty's Government under ye force of their full complement of men, may render them a sacrifice to the watchfulness of their enemys." 1 p. [C.O. 5, 3. Nos. 11, 11.i, ii.]

March 2.
Whitchall.

156. Council of Trade and Plantations to the Queen. *Report on above.* Though it do's in the Generall very much contribute to the security of a trade that all ships bound from the Plantations to England do saile with convoy according to your Majesty's Instructions to your Majesty's Governors in America, yet forasmuch as these two ships are designed for the coast of Guinea and from thence to Jamaica, with negroes, which may likewise promote the trade with the Spaniards, so that the time of their arrival at, and departure from the Plantations cannot be so well ascertained as to depend upon convoys, and they being light

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sailors and of force, we have nothing to object why your Majesty may not grant your orders to your said Governors to permit the said ships to sail without convoy for the present voyage to be performed within 12 months. 2 pp. [C.O. 5, 3. No. 12.]

March 2. **157.** Council of Trade and Plantations to Saml. Shepherd,
Whitehall. Jno. Gardner and Jacob Osterland. Recommend to them (the merchants named by Mr. Clifford, Feb. 29) the stating of his accounts. [C.O. 389, 36. p. 178.]

March 2. **158.** Col. Codrington to Mr. Popple. I gave ye Lords trouble
Nevis. enough by Col. Whetham for some time, and they wd. scarce chide me again for my short acct., if I were to stay here never so long. I have finisht an Act of Courts in this Island, tho' wth. some difficulty; wt. good effects it will have I know not, tho' ye Cheif Justice I have named here is ye man of ye four Islands I can most depend on for his steddines in ye discharge of his duty. The constitution of these Islands must be wholly altered before ye English trade be duly supported. This I am satisfyed of by melancholy conscience, and shall think it my duty to write very fully on this head to ye Lords. I should have chose rather to have laid my observations before them when present, but I have yet recd. noe licence to leave these parts, and before Col. Mathews's arrival, I doubt ye summer will be spent *etc.* In ye meantime as a Private Gentleman and Planter I shall endeavour to be as serviceable to ye respective Governors, and to promote H.M. and ye English interest wth. as much zeal and sincerity as if I still were Commander here. If I know myself right, I act by principles, and as I have satisfyed my own conscience and honour in every step I have made since I came here, I beleive I shall be able to satisfy everyone else at my arrival—till then my innocence will support me, and ye hearty contempt I have for my declar'd enemyys as well as false and treacherous Friends leaves me a tranquility which I beleive their guilt makes them want. I am now going to St. Kitts, and will still use my best endeavours to reduce that People to some sense of their duty, but I can promise myself noe great succes there, for they are a parcell of Banditts, and wd. willingly be without government, religion, or any appearance of order—but this will require a large and particular acct. wch. ye Lords shall know at my return to Antigua in my farewell letter to them. You will please to inform ye Lords yt. before my leaving yt. Island, I put Peter Lee, Esq., into the Councill, wch. I had long since done, but yt. I was in hopes I should have perswaded him to have continued Chief Justice, for wch. post he is certainly ye fittest man, but I coud not prevaile on him, nor wd. he serve in ye Assembly, so I was unwilling so usefull and so honest a Gentleman should be wholly lost to ye public. *Signed*, Chr. Codrington. *Endorsed*, Recd. 9, Read 14 June, 1704. *Holograph*. 2½ pp. [C.O. 152, 5. No. 61; and 153, 8. pp. 317–319.]

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March 3.
Boston.

159. Governor Dudley to Mr. Popple. The *Centurion* has stayed till this date, and being lately returned from Piscataqua I enclose *following*. I shall go on to do my duty as H.M. has commanded, and have assured Mr. Allen, if he bring forward any tryalls, I will be in the Province to see the proceedings just and open, and the verdict special in any case he shall desire, as farr as is in my power. I have also inclosed Major Hilton's march, humbly to acquaint their Lordships the hardship I have to march after the Indians. Since his return I have now 300 men in the forest upon snow shoes in three partyes in other parts of the country. The Assembly of this Province will be very uneasy under the charge, but I cannot suffer the fronteirs to be insulted as they will be if I march not after them. I am in great want of small armes for both the provinces, being dayly lost and spoyled in the service and cannot be helpt. I thank your favour to myself and this government *etc.* Signed, J. Dudley. *Endorsed*, Recd. April 29, Read May 2, 1704. *Holograph*. 1 p. *Enclosed*,

159. i. Journal of Major Hilton's March against the Indians. Feb. 9, we marched 16 miles. Discovered nothing. Feb. 10, we marched 21 miles and discovered two of the enemy's camps. Judged they might hold 40 or 50 Indians. Feb. 11, marched about 30 miles. Discovered 2 similar camps. Feb. 12, marched very early still upon the enemy's track, and came to Saco River about 8 a.m., judged by the Pilots to have fal'n upon the River about 50 miles upwards, having before we came to the River travailed about 18 miles, where we found the greatest part of the enemy had left the River to the Southward, we sent out a scout to discover further after them. Feb. 13, we found they altered their course again *etc.* We left the Eastern track and made the best of our way to Pegwookit Fort *etc.* Feb. 16, we found it a large place of about an acre of ground taken in with timber set in the ground in a circular form with Ports, and about 100 wigwams therein, but had been deserted about 6 weeks as we judged by the opening their barnes where their corn was lodged, and that they deserted it in hast upon some alarm, because we found their corn scattered about the mouths of their barnes. Feb. 17-23, *marched homewards past Wells and Saco. The marches vary from 18 to 30 miles a day.* The winter is the onely time ever to march against the Indian enemy, both for their discovery and the health and least danger of our People, *etc.* Signed, Winthrop Hilton. *Note by Governor Dudley* :—This march was made upon the snow a yard deep, every man in snow shoes, with 20 dayes provisions upon small Land sleds carrying each 4 men's provisions, and of 300 men no man returned sick. *Endorsed as preceding.* 2½ pp.

159. ii. Governor Dudley's Speech to the Assembly of New Hampshire, Feb. 20, 1704. I am glad that notwithstanding

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the troubles with the Indians no part of this Province hath had any impression from their barbarous hand, and I am the more sensible of the Gentlemen's services that have assisted me in the raising the Volunteers now sent out, wch. are truly every fourth man fitt to march in the Province, wch. I shall humbly represent to H.M. As soon as is possible, I shall order the incidentall charges to be layd before you for their advancee, and the Treasurer very justly presses me to desire you to raise what is proper to pay your engagements and debts, and a just induction to you so to doe is, that nothing hath been raised in this Province by a tax this year, when your Neighbours pay 12 or 15 single rates for the necessary service of the year. I have also to communicate to you H.M. commands referring to the Fort at Newcastle, that it be perfected in all poynts. The date of those letters may allow you to suppose that the account of your grant of 500*l.* for that service may not come to hand, however I am bound to communicate that letter, and it will give you a good demonstration of H.M. care of the preservation and security of her good subjects here residing, and encourage you in what is further wanting for that service, to do your duty. I think it also proper to acquaint you with H.M. commands which I have received referring to Mr. Allen's title to the waste of this Province *etc.*, nothing will more tend to your quiet and repose, nor to H.M. just satisfaction than to have an amicable and quiet issue in that matter. The last judgment upon the appeal makes you sensible of H.M. equall administration of Justice to all Her good subjects, and I desire your regard to H.M. Directions to what remains may give a like instance and satisfaction of your obedience. I have also to recommend to you what the L.G. hath already offered to the Council, that lodgings may be provided for him on the Great Island near the Fort, until he may have a lodging in the Fort itselfe, which will be most proper. It can amount to but a small matter by the year, and will shew your respect to the Government. *Endorsed*, Reed. April 29, 1704. 1 $\frac{1}{4}$ pp.

159. iii. Answer of the Assembly of New Hampshire to the above, Feb. 21, 170 $\frac{3}{4}$. The Representatives are always glad when they may attend you in General Assembly, being sensible of your great care for H.M. service and the good and welfare of this Province. We humbly thank God for our preservation hitherto, during the late and present troubles, and attribute much to your constant care and sollicitude for us, and what the Gentlemen here have done to your assistance in raising Volunteers is no lesse acceptable to us than to your Excellency, and we thankfully accept your assurance

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that it shall be represented to H.M. As to the supply of the Treasury for the payment of debts, the time of year draws near when the Revenues arising by a duty on lumber will shew itself; and if that fall short at the year's end, we shall account the Province debts our owne, and take effectuall care for payment of whatever appears justly due. As to the great taxes your Excellency intimates has been layd this year upon our Neighbourhs of the Massachusetts, we presume it has principally been occasioned by the war, and we have taken care to support that charge by having our men alwayes ready with sufficient subsistence for so many as at any time your Excellency shall see cause to command forth against the present enemy. We are sensible your Excellency is not ignorant of our poverty by which we are disabled raising the necessary fortification for this port, and that the 500*l.* raised beares some proportion to our present ability, and hope the Province will alwaies doe theyr utmost for theyr own preservation, and humbly pray that you will farther represent the matter to H.M., that by some meanes we may be assisted in that great charge, and that great Ordinance, armes and ammunition may be supplied to us. As to Mr. Allen's title *etc.*, we pray that it may be laid before H.M. that we are very sensible of H.M. princely regard and justice to Her most dutiful subjects of this Province in the late triall between Mr. Allen and Mr. Waldron, which has forever obliged us to a sense of and resolution in our duty and obedience to H.M.; that this Province is at least 60 miles long and 20 miles wide, containing 1,200 square miles, and that the Inhabitants have only claimes to the property of such land as is contained within their Town bounds, which is lesse than $\frac{1}{3}$ rd part of the Province, and has been possessed by them and theyr ancestors for more than 60 years, but have nothing to offer as a greivance if the other $\frac{2}{3}$ rds be adjudged to Mr. Allen, and shall be glad to see the same planted and settled for the better security and defence of the whole, withall humbly desiring it may be considered how much time, blood and treasure has been spent to settle and defend this part of H.M. Dominion, and that the cost and labour bestowed thereon farre exceeds the present true value of the lands, so that we humbly hope H.M. intention is not to take off all herbage, timber and fewell from the inhabitants, without which they cannot subsist, and lesse than the bounds of theyr present Townes, which were but foure in number untill of late two were divided, will not give feed for theyr cattle, nor timber and fewell necessary, it being not usuall in those plantations to fence in much more of theyr land than serves for tillage, leaving the rest infenced for the feed of their cattle in common.

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We are well assured of H.M. gracious regard to all her good subjects of this Province, and humbly prostrate ourselves at her feet in this affair of so great concernment to us. As to providing lodging for the L.G., our poverty is such we are not able to doe what is necessary for our own preservation and defence; however, if your Excellency sees meet to appoynt two of the Council, we will nominate two of this House to joyne with them as a Committee to consider that matter, and make report to the next session of the Assembly. We pray your Excellency to continue your care of us, as hitherto, that we may not be insulted by the enemy, and that our principall Gentlemen, such as the Judges, Justices of the Peace *etc.* may not be exposed as private sentinells, and sent out upon the Scout in a small number after the enemy, as some have lately been in your Excellency's absence, to the great hazard of their lives, without any prospect of service to H.M. *Copy. Signed, Mark Hunting, Clerk. Endorsed, Recd. April 29, Read May 2, 1704. [C.O. 5, 863. Nos. 85, 85.i-iii.; and (without enclosures) 5, 911. pp. 253-255.]*

March 3. **160.** R. Warre to [Mr. Popple?]. *Enclosing following. Signed, R. Warre. Endorsed, Recd. Read March 3, 170 $\frac{3}{4}$. 1 p. Enclosed,*

160. i. Memorial from M. Van Vryberge, Envoy Extraordinary from the States General to H.M., relating to Trade with the Spaniards. The Directors of the [*Dutch West India*] Co. complain that two English privateers, Frank Johnson and Thomas Colby, with commissions from the Governor of Jamaica, seized last October six vessels belonging to subjects of the States General inhabiting Curassau, on the pretext that they were laden with Spanish goods. *Argues that trade with the Spaniards in the West Indies ought to remain open to the subjects of H.M. and the United Provinces, in order to secure their support, and weaken their alliance with the French. Besides it is only through this trade that England and the United Provinces can obtain bullion, whilst the Spanish galleons are enabling France to multiply specie, etc. Signed, M. Van Vryberge. London, Feb. $\frac{1}{24}$, 170 $\frac{3}{4}$. Endorsed as preceding. French. 5 pp. [C.O. 323, 5. Nos. 42, 42.i.]*

[March 3.] **161.** List of names to be inserted in the Commission of Inquiry relating to the Mohegans. *Same as Commissioners appointed March 15, q.v., except that T. Povey is not mentioned. Endorsed, Recd. Read March 3, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 1262. No. 71.]*

March 4. **162.** Mr. Addington to Mr. Popple. The ship for England
Boston. having been detained by a misfortune befalling their convoy

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I enclose Journal of Assembly, Sept. ; and Minutes of Council [of the Massachusetts Bay], May 20–Oct. 21, 1703. *Signed*, Is. Addington. *Note in margin*. The Journal not come to hand. [*C.O.* 5, 911. p. 259.]

March 4. **163.** H.R.H. the Lord High Admiral to Col. Mathew. *Enclosing* copy of an article of the Treaty lately concluded with Algiers, to the end that Governors of H.M. Plantations in America, as well as the Commanders of all H.M. ships, may give certificates to the Masters of Merchants ships built in the Plantations and to such prizes as shall be taken. *Signed*, George. *Endorsed*, Recd. Read March 16, 1703. *Copy*. 1 p. [*C.O.* 152, 5. No. 62 ; and 153, 8. pp. 260, 261.]

March 5. **164.** Lt. Gov. Handasyd to the Council of Trade and Jamaica. Plantations. *Acknowledges duplicates*. I am of opinion it will be of great advantage to the Crown to settle a Governor in the Bay of Campeachee. *Recommends writer of enclosed* as a very substantial planter and merchant here, and fit for that employment *etc*. Having had no answer of mine in relation to the dissolution of the Assembly, and the time for quartering the two Regiments expiring May 1st, I have been obliged with the advice of the Council to dissolve the former Assembly, and call a new one to meet the first Tuesday of April, I having found that it was the general opinion of the Island that they should be dissolved, there being above a third of the Members not admitted to sit in the House, and by dissolving of them I hope to unite all former divisions, by which means H.M. and the Island's business may with all cheerfulness be brought to a good conclusion. I have not yet had any return of the sloop sent to the Spanish Governors conformable to Lord Nottingham's Orders, which makes me apprehensive that she is either lost or taken by the enemy. Two of the men of war here are in very bad circumstances and very ill mann'd, which obliges me to supply the defect of sailors with soldiers, to prevent the pressing of the inhabitants, which would very much discourage them, therefore I hope that your Lops. will take care that other ships may be sent, and sailors to supply the defects, I being wholly a stranger to the methods of the Admiralty Office. The Island is at present healthy, and I thank God the enemy has got no advantage of us, tho' they have made several attempts by their privateers, and have within these 10 days attempted with 3 privateers to land and take off negroes, but they were all taken, with a sloop of ours retaken, and 120 French and Spanish prisoners, who are here in gaol, and shall be sent to England by the first opportunity, which I hope has ruined their designs against us. The methods I have taken with our privateers I hope will prevent all their attempts and surprizes for the future, I not granting any privateer a commission but upon condition that he cruize round the Island and call in at four several places, leaving a letter for me at each place, what he has seen or done, which has proved of that consequence that all these privateers were taken by one of them.

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As to what exploits our men of war do, I can say but little to their advantage. We had a small shake of an Earthquake the last of Feb. about 10 a.m., but I do not hear of any damage it has done. We are daily threatned by our enemies, but I am not in the least apprehensive they are in a condition, but in case they should, I can assure yr. Lorps. we will not part with our Beef and puddin without bloody noses, we at present not having much to spare. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 24th, Read 25th April, 1704. *Addressed*. *Holograph*. 2½ pp. *Enclosed*,

164. i. Abstract of preceding. 2 pp.

164. ii. John Lewis to Lieut. Governor Handasyd. Kingston, March 2, 1703. The Bay of Campeache, where the English cut Logwood, having several enterances, requires some charge to defend it, to prevent our neighbours receiving the same advantage as those of H.M. subjects that are the first settlers, and to carry on soe good and profitable a trade as it now is and has bin of late to the Crown and this Island. *Proposes* (1) That a Commission be granted to some person there residing in time of war, that H.M. may have title in time of Peace. (2) That an Act of Parliament be made that noe vessel shall load any logwood until bond be given that the wood so loaded shall be landed in some of H.M. Plantations or England. (3) That $\frac{1}{10}$ th of all logwood cut shall be employed in fortifieing and building a galley or two for the defence of the place *etc*. (4) That a certain sum of money shall be employed by such a number of people as your Honour shall think fit, and the Logwood aforementioned shall repay them with reasonable profits as shall be suteable incuridgement for the undertakers. *Signed*, John Lewis. *Endorsed as letter*. 1½ pp.

164. iii. List of prizes taken in Jamaica, May 4, 1702—March 1, 1703. 41 vessels; 20 French, 10 Spanish; the rest Danish or Dutch trading with the enemy. *Value* as appraised, Total, 17,914*l*. 2*s*. 10*d*. *Signed*, Bar. Jenkins, Reg. Adm. *Endorsed*, Recd. 24, Read 25 April, 1704. *One large double p*. [*C.O.* 137, 6. *Nos.* 42, 42*i.*, ii., v.; and (*without enclosures*) 138, 11. pp. 257–262.]

March 5. **165.** Lt. Gov. Handasyd to Lord Nottingham. Repeats part of preceding and other letters. *Signed*, Tho. Handasyd. *Endorsed*, R. Ap. 23. 1½ pp. *Enclosed*,

165. i. List of parishes of Jamaica with Ministries vacant. ¾ p. [*C.O.* 137, 51. *Nos.* 2, 2*i.*]]

March 6. **166.** The Queen to Governor Nicholson. Warrant to pay St. James's. Stephen Thomson, Attorney General of Virginia, an additional 60*l*. per annum (making in all 100*l*.) out of the Quit-Rents. *Countersigned*, Godolphin. *Endorsed*, Recd. March 22, 1703. 1½ pp. [*C.O.* 5, 1314. *No.* 1A.]]

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[March 7.]

167. Draught of a Charter for importing Naval Stores, presented to the Board by Mr. Byfield and others, Members of the Pennsylvania Company. *Endorsed*, Recd. Read March 7, 1704. 10 *large pp.* [C.O. 5, 1262. No. 72.]

March 9.
St. James's.

168. Order of Queen in Council. Referring enclosed petition to the Council of Trade and Plantations to examine and report upon. *Signed*, John Povey. *Endorsed*, Recd. Read May 15, 1704. 1 *p.* *Enclosed*,

168. i. Petition of Peter Vanbelle to the Queen. *Praying* that his case may be ordered to be enquired into by the Governor of the Leeward Islands and that he return a true state thereof together with copys of proceedings, in order to his being heard before H.M. in Council. *Copy.* 3 *pp.*

168. ii. The case of Peter Vanbelle, *as above.* *Copy.* 7 *pp.* [C.O. 152, 5. Nos. 63, 63.i., ii.; and 153, 8. *pp.* 289-304.]

March 9.
Whitehall.

169. Council of Trade and Plantations to the Queen. We have examined the petition of James Cowse [Feb. 23], and humbly offer that your Majesty by your letter to the Governor and Council of Barbados take notice of the delays and obstructions of Justice frequently complained of in matters where any of your Majesty's Council or Judges in that Island are concerned, as in the case of the Petitioners, and require the Governour to take care that the administration of Justice be expedited in this particular, in such manner as the Law requires, and declare that if William Sharp or any other of your Majesty's Council or Judges for the future do or shall, under the protection of that authority impend the course of Justice in any case whatsoever, your Majesty's Governor be impowered and directed to suspend such persons from the said Council or place of Judge until the cause in which such persons shall be concerned be determined; and that thereupon the said Governour do give your Majesty an account thereof, that in case any wilful delay do appear to your Majesty from such Councillor or Judge in the proceedings of Justice, your Majesty may remove the said Councillor or Judge accordingly. [C.O. 29, 8. *pp.* 406-408.]

March 9.
St. James's.

170. Order of Queen in Council. Approving above Representation. A letter to the Governor and Council of Barbados to be prepared for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read March 16, 1704. 1 *p.* [C.O. 28, 7. No. 24; and 29, 8. *pp.* 411, 412.]

March 9.
Whitehall.

171. Council of Trade and Plantations to the Queen. Report upon the complaints on behalf of the Mohegan Indians (*summarised*). *Concludes*: Whereupon we humbly offer our opinion that your royal letter be writ to the Government of Connecticut, and a Commission granted according to the opinion of your Majesty's Attorney General unto your Majesty's Governour of

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the Massachusetts Bay and other persons whose names are hereunto annexed, any five of whom to be a quorum, and the Governour or Lieutenant Governour to be one. And whereas the said Indians have not the use of money, whereby the charge of such a Commission and other dispatches may be defrayed, and that your Majesty is pleased by presents or otherwise to gratify such Indians as are under your Majesty's Dominion, we humbly offer that such Commission be past, with the other necessary dispatches, at your Majesty's charge, which may be a means to prevent their defection to your Majesty's enemys of Canada. *Annexed,*

171. i. List of the names to be inserted in the Commission : Joseph Dudley, Esq., Govr. of the Massachusetts Bay ; Thomas Povey, Esq., Lieut. Govr. ; Edward Palms, Esq., of New London in Connecticut ; Francis Brinly, Esq., of Rhode Island ; Giles Silvester, Jahleel Brenton of Boston, Esqrs. ; Nathaniel Byfeild of New Bristol in the Massachusetts Bay, Gent. ; Thomas Hooker of Hertford ; James Avery, John Avery, John Morgan of New London in Connecticut ; Thomas Lepingwell of Norwich. [*C.O.* 5, 1290. *pp.* 453-457.]

March 9.
St. James's.

172. Order of Queen in Council. Approving above Representation and ordering the Council of Trade and Plantations to prepare draughts of letters for H.M. signature to the Governors named, together with the Minutes of a Standing Commission to be prepared by Mr. Attorney General as proposed ; the said Commission and other necessary dispatches to be past and expediated at H.M. charge in favour of the said Indians accordingly. *Signed,* John Povey. *Endorsed,* Reed. Read March 13, 1703. 1½ *pp.* [*C.O.* 5, 1262. *No.* 73 ; and 5, 1290. *pp.* 458, 459.]

March 10.

173. Capt. Gardner to the Council of Trade and Plantations. Prays for Report on the Act of Jamaica granting to the heir of Governor Selwyn 2,000*l.* in consideration of his and family's charge of transportation. *Signed,* Robt. Gardner. *Endorsed,* Reed. Read March 16, 1703. ¾ *p.* [*C.O.* 137, 6. *No.* 43 ; and 138, 11. *pp.* 154, 155.]

March 11.
Treasury
Chambers.

174. Mr. Lowndes to Wm. Popple. The Lord High Treasurer desires enclosed may be laid before the Council of Trade and Plantations, and that their Lordships will obtain such directions from H.M. to the Governors as may be effectual for redressing the mischeife complained of. *Signed,* Wm. Lowndes. *Endorsed,* Reed. 11, Read 16 March, 1703. *Addressed. Sealed.* 1 *p. Enclosed,*

174. i. Commissioners of Prizes to Wm. Lowndes. Prize Office, Feb. 22, 1703. *Enclose the following to be laid before the Lord High Treasurer. Signed,* Wm. Gosselin, Edw. Brereton, Geo. Morley, Ant. Duncombe. 1 *p. Enclosed,*

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174. ii. Commissioners of Prizes to the Lord High Treasurer. Your Lordship having approved of divers persons to act as Agents for prizes in H.M. Plantations, we have issued our deputations to them accordingly *etc.* nevertheless several of them have been interrupted by the Governors. We therefore humbly desire that the Council of Trade may be ordered to give directions that our officers may be permitted to take into their possession all such vessels as already have been or hereafter may be taken as prize *etc.* *Signed*, Wm. Gosselin, Geo. Morley, John Anstis, Edw. Brereton. 1 p. [C.O. 323, 5. Nos. 41, 41.i., ii.; and 324, 8. pp. 399-401.]

March 12. **175.** Lt. Governor Evans to the Council of Trade and Philadelphia Plantations. Upon my arrival I found affaires relating to the in the Province of Pennsylvania. Publick in no worse order nor altogether so bad as might be reasonably expected from the oppositions that have been made to the Administration and the advantages that have been taken from the weakness of Government, first thro' the want of the Royal Approbation to Coll. Hamilton in his life time, and next thro' the incapacity of the Council upon his decease fully to answer all the requisite ends of Government. All the quarterly Courts of the Province have been held since my arrival upon their old Commissions, of which I have renewed none as yett, being desirous to bring all matters in a general way to a better regulation concerning our Courts of Justice, and the effectual establishment of H.M. subjects in their Rights and Priviledges, of which sufficiently to be appriz'd there requires some time and consideration, but will now 'tis hoped by reason of H.M. gracious approbation be much facilitated, the former opponents promising all compliance, and to be peaceable and easy for the future *etc.* Since my arrival (Feb. 2) I have made it my businesse more carefully to inspect that important branch of my duty, Trade, and shall endeavour exactly to observe H.M. commands. I have also enquired into the failures that have given occasion of complaint, but find the merchants very bold in challenging the officers to tax them with unfairnesse, and with confidence assert themselves to be the most free from indirect practices on that score of any of H.M. Colonies in America equal to this in trade. What truth there is on either side, I shall be more able to judge when time shall give more experience. I have seen a letter from your Lordships' Board to the Honble. the Proprietor by H.M. Command directing him by his Lieut. to press the raising of that summe of money required from this Province by his late Majesty's Letter for the assistance of New York. The letter was sent to Coll. Hamilton after his decease, and till my arrival nothing could be done, but the next Assembly that sits, I shall presse that affaire to the utmost, as also what I find enjoyn'd concerning the defence of this place now in a time of war *etc.* *Signed*, John Evans. *Endorsed*, Recd. Sept. 8, Read Oct. 19, 1704. *Holograph.* 4 pp. [C.O. 5, 1262. No. 74; and 5, 1291. pp. 46-49.]

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- March 13. **176.** William Penn to [*? Council of Trade and Plantations*].
 [Lond. the 13^m Coll. Quarry and others more largely exprest in the paquet
 (c. March) laid before you, and my humble request thereupon. 1st. That
 1704¹.] he has aggravated divers things against us in reference to the
 Laws of Trade and Navigation, either where the Attorney General
 and Judges of England have given their judgements for us, or
 where we, for the encouragement of Trade and preventing of
 ruin to the parties, have forbore an immediate confiscation of
 ships, meerly upon clearings or registry by them undesignedly
 left behind, they giving sufficient security for ships and cargos
 with all demands and damages. 2. That when upon his com-
 plaint of the want of a Militia, and that people were tried for
 life without oaths, Coll. Hamilton to accomodate that matter
 gave Commission for raising a Militia, and to such Judges
 as could take oaths to try by juries that were of the same senti-
 ments, he or his adherents as strenuously discouraged what
 they had before complained of, least that occasion they took
 against the Government should thereby be removed. 3. That
 he has manifestly endeavoured to disaffect the Lower Counties
 with the Upper, thô they first desired the Union, to the great
 disorder of the publick and unspeakable prejudices to me and
 my family, since they generally refuse to pay their quit-rents,
 thô some are very many yeares in arrear; who no longer since
 then 99, were the People that in an Address to the late K. William,
 vindicated the Province against Coll. Quarry's suggestions of
 Illegal Trade, and among whom (if any) it must needs have
 laid, they being the great Tobacco-planters under that Govern-
 ment. But I must own that when I prest the Law we made
 at that time against Illegal Trade, so much aggravated by that
 gentleman, they began to sowr to me, which was heightened by
 him, saying I was too strait to trade, for he even told me so him-
 self on that occasion; thô there was no other way to prevent
 what he had complain'd of, in so wilde a bay and so full of creeks
 as that of Delaware. 4. Nor is this enough to content him and
 his secret agent Moor, who in good Measure has had his Bread
 from me, and that at the instance of Coll. Quarry too; but not
 having the Patience of staying till he received an account how
 matters went between this Board and myself relating to the
 Government, by way of Anticipation at the head of his pack'd
 Vestry complemented the Ld. Cornbury with an Address, wherein
 they hope by their Applications they shall prevail with the
 Queen to extend the limits (as they phrase it) of his Government
 over them, that they may enjoy the same Blessings with others
 under his Authority; a Passage one would not expect from
 those that pretend to be lights and examples of obedience and
 submission to Government. These things I complain of, and
 I hope you think I ought to do so. Redresse is in your power,
 and therefore I beseech you effectually to apply it, be it for
 Reprehension or Advice or both that we may no longer be troubled
 with their little spites to serve Private Turns. Of which I desire
 a duplicate. *Signed*, Wm. Penn. *Endorsed*, Recd. Read

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March 13, 1704. 3 pp. [C.O. 5, 1262. No. 75; and 5, 1290. pp. 459-462.]

March 15.
Whitehall.

177. Council of Trade and Plantations to the Earl of Nottingham. *Enclosing* draught of Instructions to Privateers with such alterations as we think proper with relation to Spain in the present conjuncture, to be laid before H.M. *Annexed*,

177. i. Draught of Instructions to Privateers referred to in preceding. (*These were not sent : see May 2.*) [C.O. 324, 8. pp. 380-398.]

March 15.
Whitehall.

178. William Popple, jr., to Sir E. Northey. *Enclosing* draft of a Commission of Inquiry [see March 9] relating to the Mohegan Indians, "that you may prepare such a Commission in order to it's being sent to New England." *Annexed*,

178. i. Draft of Commission referred to above. [C.O. 5, 1290. pp. 463-467.]

March 16.
Whitehall.

179. W. Popple to Sir E. Northey. The Council of Trade and Plantations desire your opinion *re* Gilligan [see Feb. 2] as soon as conveniently you can. [C.O. 29, 8. p. 410.]

March 16.
Stratford.

180. Sir John Colleton to [? *William Popple*]. I obtained the removal of James Colleton of Barbados from the office of Judge when my cause was to be heard. [See Cal. 1703.] Now he endeavours to get himself made one of ye Council, whereby he will be one of the Judges to hear my cause and defeat all my proceedings against him. *Petitions against this appointment. Signed, Jon. Colleton. Endorsed, Reed. Read March 21, 1704. 1 p.* [C.O. 28, 7. No. 25.]

March 16.
Whitehall.

181. Council of Trade and Plantations to the Earl of Nottingham. *Enclosing* following [cf. March 9] for H.M. signature. 1 p. *Annexed*,

181. i. The Queen to the Governor and Company of Connecticut. Whereas complaints have been made to us in behalf of the Mohegan Indians, that you have by an Act or Order of your General Court or Assembly taken from the said Indians that small tract of land which they had reserved to themselves upon the first settlement of our subjects in our Colony of Connecticut, and whereas it has been represented to us that the said Act or Order is unjust and may be of fatall consequence by causing a defection of the said Indians to our enemies and otherwise, we have thought fit by Commission under our Great Seal of England to constitute and appoint our Trusty and Well-beloved Joseph Dudley, Esq., our Captain General and Governor in Cheif of our Province of the Massachusetts Bay, and others therein named, Our Commissioners for inquiring into the matters aforesaid, to which Commission we strictly charge and command you to pay all due obedience,

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and it is Our further Will and Pleasure that if upon enquiry it be found that the said Indians have been deprived of their lands you immediately cause them to be put into possession thereof, notwithstanding the foresaid Act or Order, and that neither you nor any by your Authority do molest or oppress the said Indians for the future. So we bid you farewell. Given at our Court at St. James's, March 23, 170³. *Counter-signed*, Nottingham. [C.O. 5, 751. No. 49; and 5, 1290. pp. 468-470.]

March 16. **182.** William Popple to Josiah Burchett. Col. Mathew Whitehall. having communicated to the Council of Trade and Plantations an Instruction from H.R.H. to himself upon an Article of a Treaty lately concluded with Algiers relating to Prize-ships, they beg to be informed whether the like Instructions have been sent to the other Governours. [C.O. 324, 8. p. 402.]

March 16. **183.** J. Burchett to Mr. Popple. *In reply to preceeding.* Admiralty Office. The like Instructions have been or will be sent to the Governours, etc. Signed, J. Burchett. *Endorsed*, Recd. Read March 17, 170³. *Addressed. Sealed.* 1 p. [C.O. 323, 5. No. 43; and 324, 8. p. 403.]

March 16. **184.** Council of Trade and Plantations to Governor Lord Whitehall. Cornbury. Since ours of July 29, we have received letters from your Lordship of June 30, July 12, Aug. 5, Sept. 9 and Oct. 7 last, relating to New Yorke, and one of Sept. 9 relating to your Government of New Jersey, which we shal answer particularly by itself. Your two letters of June 30 being duplicates and the originals not received, several papers referr'd to therein are wanting, a list whereof is here inclosed. Upon this occasion we must advise your Lordship, that with the duplicates of your letters you send duplicates of the papers therein referr'd to, the necessity whereof you will perceive by our want of the inventory of stores of war remaining, which, as your Lordship observes, would have shewn us the ill condition that New Yorke is in, in case of an attempt of the enemy. As to those particulars your Lordship writes are wanting for the use of the four Companys, your Lordship's Agent, Mr. Thrale, has received H.M. orders to provide the same, the value thereof to be deducted out of the pay of those Companys according to the practice of the Army, which will oblige them to be more carefull of their arms hereafter. We shall represent to H.M. your Lordship's care in putting in repair the several fortifications at New Yorke, and are glad to perceive the Assemblys have contributed 1,500*l.* towards the raising two batteries in the Narrows. If your Lordship have got up one of the said batteries the last summer as you expected, your Lordship's management therein will be an argument to induce the Assembly to grant the remaining of what is necessary to accomplish that work. But we must advise

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your Lordship to streighten your expences as much as possible in reference to fortifications and stores of war, for that in this time of war and extraordinary charges incumbent on the Government here it will be very difficult to obtain any provision of stores from hence without paying for them. We expect according to your Lordship's promise an abstract of the number of inhabitants in the Province of New Yorke. We are laying before H.M. what your Lordship writes in relation to illegal trade in Connecticut and Rhode Island, their harbouring of runaway seamen, soldiers and servants, and their refusing to comply with the quota. We observe your Lordship's care in keeping out scouts and spies to get intelligence of the designs of the French, and the advantage the Province has received thereby we doubt not will have induced the Assembly to grant a sufficient detachment for that and other services. Your Lordship's proposals for conquering Canada lye before H.M. We have under consideration the several Acts received with your Lordship's letter of July 12 last, and expect, according to your Lordship's promise, an account of the inconveniencies feared from the 5th of the said Acts, and therefore shal suspend our determination thereupon till we hear further from your Lordship. We also expect your Lordship's particular answer to what we writ you Jan. 26, 170³, upon a list of Acts past during the Administrations of Lord Bellomont and Capt. Nanfan, not being able to report upon those Acts till we have your answer, which we therefore desire may be no longer delayed. We hope by your Lordship's management of the Indians, at your meeting of them in Sept. last, they will have been perswaded to send away the French Priests that were amongst them, and to renew and confirm their treaties of alliance and friendship with H.M. We send you two letters from Lord Nottingham relating to the Spaniards, and a letter from H.M. with H.M. Declaration and Order relating to the Officers of the Admiralty and Prizes. Upon our representation to H.M. relating to the want of Protestant Ministers to reside amongst the five nations of Indians, two have been appointed for that service, and we hope they may be ready to sail with this convoy. Mr. Champante having represented to us by Memorials, copies whereof are here inclosed, that Capt. Nanfan lies under great hardships by reason of arrests for the non-payment of bills he had drawn for the money disbursed by him in subsisting the soldiers four months and a half longer than subsistence had been received for them here, and that your Lordship's Agent has in his hands the money which should have answered those bills; and not having received from your Lordship any account of this matter, we sent for Mr. Thrale, who communicated to us an extract of your Lordship's letter to him of Sept. 12 last, upon which we observe that tho' your Lordship may charge Capt. Nanfan as an accountant with the whole pay of the four Companies, yet if you are satisfied that neither he nor his Agent have received the whole, he ought not to be detained, especially if he have given security, as it is alledged, in 5,000*l.* to answer the Queen's demands. We have

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received a letter from Capt. Nanfan of Oct. 11 last, wherein he acquaints us that his accounts are settled and allow'd right, with a great ballance due to him, and yet he is kept in goal for the foresaid bills, altho' your Lordship acknowledges your Agent has received the money here, which he says ought to be apply'd to the discharge of those bills, and that in case that be not speedily done, he and his family will be ruined. Whereupon we observe to your Lordship that if his allegations be true, we think it is a great hardship; and therefore such measures ought to be taken as are agreeable to justice; but if on the other hand, what he alledges be not true, then your Lordship ought to demand of him such an account as he will stand by, and send us a copy thereof with your observations thereupon, and your reasons against allowing it, if you have any. As to what your Lordship writes relating to the Lady Bellomont's accounts, we desire your Lordship to use your utmost endeavours to settle the same, with the concurrence and approbation of her Ladyship's Agents: but in case you shall not be able to effect it, we desire you to send us however a copy of the account they produce, with your Lordship's objections thereunto, as also a copy of her Ladyship's account as stated by your Lordship. And in order to inable your Lordship the better to settle the said accounts, as also those of Capt. Nanfan, if it be not already done, we send the copy of the account we received from the Earle of Ranelagh's office of the money paid to Mr. Champante from Aug. 1697 to Jan. 170 $\frac{1}{2}$ on account of the four Companys at New Yorke. [C.O. 5, 1120. pp. 88-95.]

March 16. **185.** Council of Trade and Plantations to the Earl of
Whitehall. Nottingham. *Enclose* following letter (*see* March 9) to be laid before H.M. for her signature;—Whereas a petition has been presented to us in the name of James Cowse of Barbados, Esq., and Elizabeth his wife, setting forth that they had mett with great delays ever since the year 1693 in their proceedings for the recovery of the portion given to the said Elizabeth by her father William Sharpe, decd., which was further secured to her by a settlement made on the marriage of her brother William Sharpe, son and heir of the late William Sharp, and that having filed a bill in the Court of Chancery at Barbados against William and John Sharp, sons of William Sharp, they have not been able by reason of the authority and power of the said William Sharp, who is a Member of our Councill, and a Judge of the High Court of Chancery there, to obtain an answer nor the usual Process out of the said Court, for compelling the defendants thereunto; And whereas complaints have been frequently made of the great delays and obstructions of justice in matters where any of our Councillors or Judges of any of our Courts in our said Island have been concerned, as in the case of the petitioner, *Directs as recommended in Representation of March 9.* [C.O. 29, 8. pp. 412-415.]

March 17. **186.** Council of Trade and Plantations to Governor Sir B.
Whitehall. Granville. Since ours of Feb. 16th, we have received none from

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you. *Enclose* letter from the Lord Nottingham relating to the Spaniards (Feb. 18), as also a letter from H.M. with H.M. Declaration and Order, relating to the Officers of the Admiralty and Prizes. [Feb. 16.] [*C.O.* 29, 8. p. 416; and (*without enclosure*) 28, 38. No. 21.]

March 17. **187.** Council of Trade and Plantations to Lt. Gov. Handasyd.
Whitehall. Since ours of 16th we have received none from you. *Enclose* H.M. directions relating to Spanish trade (Feb. 18) and Prizes (Feb. 16). [*C.O.* 138, 11. p. 156.]

March 17. **188.** Council of Trade and Plantations to Governor Seymour.
Whitehall. *Enclosing* same directions relating to Spanish trade and Prizes. [*C.O.* 5, 726. pp. 280, 281.]

March 17. **189.** Council of Trade and Plantations to Governor Nicholson.
Whitehall. Since ours of Feb. 16 we have received none from you. *Enclose* same directions relating to Spanish trade and Prizes, etc., and packets for various Governors. [*C.O.* 5, 1360. p. 457.]

March 17. **190.** Council of Trade and Plantations to the Governour
Whitehall. and Company of Connecticut. Since ours of Feb. 16 we have received none from you. *Enclose* same directions relating to the Spaniards and Prizes. [*C.O.* 5, 1290. p. 474.]

March 17. **191.** Council of Trade and Plantations to Governor Dudley.
Whitehall. Since ours of Feb. 16, we have received none from you. *Enclose* letters referred to in that letter. [*C.O.* 5, 911. pp. 219, 210.]

March 17. **192.** Council of Trade and Plantations to the Lord Granville.
Whitehall. *Enclosing* same directions relating to the Spanish trade and Prizes (Feb. 18 and 16), "upon both which your Lordship will be pleased to give the necessary directions to those persons whom it may concern in the Colonies under your Lordship's Government in America." [*C.O.* 5, 1290. pp. 470, 471.]

March 17. **193.** Council of Trade and Plantations to the Governor
Whitehall. and Company of Rhode Island. We enclose H.M. Letter relating to several irregularities which you have practiced from Admiralty jurisdiction assumed by you in H.M. Colony of Rhode Island, as also H.M. Order in Council of Jan. 28, which repeals an Act past in the Assembly there, and declares her disapprobation and disallowance of such your proceedings. By which order and letter you and all whom it may concern are to govern yourselves for the future. *Enclose* directions relating to Spaniards and Prizes. We have your letter of June 30 last and several other papers relating to the Government of that Colony, particularly to the Military part of it, now before us, upon which we shall transmit to you the necessary directions by the first opportunity. [*C.O.* 5, 1290. pp. 471-473.]

March 17. **194.** W. Popple, jr., to William Lowndes. *Refers to* letter
Whitehall. of March 11. The Council of Trade and Plantations, upon

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a like complaint from the Solicitor for the Admiralty had already reported their opinion to H.M. *Encloses* letter to Governors prepared. If the Lord High Treasurer shall judge it not sufficient, they are ready to receive his further directions, in order to their reporting to H.M. [*C.O.* 324, 8. p. 405.]

March 17. **195.** Council of Trade and Plantations to Col. Quarry. *Enclose*
Whitehall. H.M. Letter to Mr. Evans, Deputy Governor of Pennsylvania, relating to Prizes. [Feb. 16.] [*C.O.* 5, 1290. p. 473.]

March 17. **196.** Mr. Popple to Mr. Lowndes. Enclosing packets from
Whitehall. the Council of Trade to be sent to Barbados and Virginia by the convoys. They will take it as an obligation if for the future you would let them have timely notice of the convoys sailing. H.R.H. directions to the L.G. of Bermuda relating to the Algier Treaty may be sent enclosed to the Governor of Barbados, and those to Lord Cornbury and Col. Dudley to the Governor of Virginia. [*C.O.* 324, 8. p. 404.]

March 18. **197.** H.R.H. the Lord High Admiral to the Queen in Council.
Admiralty H.M.S. *Blackwall* and *Milford* now at Barbadoes being designed
Office. to come home with the Trade from thence, when the convoys now going thither arrive, and the *Sheerness* and *Dolphin*, two fifth-rates, to convoy hither the merchant ships from the Leeward Islands, the merchants of London trading to Barbadoes have represented that they do not think the said convoy of sufficient strength unless the Bristol trade is scene into Falmouth and the two ships of warre come directly up Channell, with theirs, the which they have been acquainted may be very prejudicial to Bristol, for that the ships may lye a long time at Falmouth, and they having represented it to be very inconvenient to joyn their convoy to that of the Leeward Islands (*as proposed*), especially because they shall suffer very much by the carrying their servants away from the Island, it is humbly submitted that H.M. order that the convoys may joyne at the Leeward Islands, as last year. *Signed*, George. 2 pp. [*S.P. Naval*, 7. *under date*.]

[March 21.] **198.** Katherine, Countess of Bellomont, to the Council of Trade and Plantations. Prays for a longer suspence of the prosecution against her sureties at New York, the persons appointed by Lord Cornbury having raised objections to the form of her accounts, as to which Petitioner will send Instructions by the next conveyance to her Agents, to obviate all objections *etc.* *Endorsed*, Recd. Read March 21, 1704. $\frac{3}{4}$ p. [*C.O.* 5, 1048. No. 79; and 5, 1120. pp. 96, 97.]

March 21. **199.** Attorney General to the Council of Trade and Plantations. I have perused the draft of a Commission relating to ye Mohegan Indians, and have noe objection to it but this, yt. it serves only pro hac vice, where ye Order of Council directs yt. it be a Standing Commission not only to doe Justice in the

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present case, but in such other cases of the like nature yt. may hereafter happen. I have inserted a few words to that purpose. *Signed*, Edw. Northey. *Endorsed*, Recd. Read March 22, 1703. 1 p. [*C.O.* 5, 1262. No. 76; and 5, 1290. pp. 475, 476.]

[March 21.] **200.** Draft of Commission to inquire into the complaints of the Mohegan Indians [see March 9 etc.] referred to above, *Attorney General's Additions in italics* :—"To repair by the first convenient opportunity, and from time to time as there shall be occasion, into Connecticut, and having summoned the Governor and Company, and such others against whom any complaint shall be made, together with the Chief Sachems of the Mohegan Indians, make enquiries etc., determine according to Justice and Equity and restore the said Indians to their settlements in case they be unjustly dispossessed etc." Liberty to appeal allowed. 4½ pp. [*C.O.* 5, 1262. No. 77.]

March 21. **201.** Affidavit of Jno. Bridger as to the money drawn by him on the Navy Board whilst in New England. *Signed*, J. Bridger. *Endorsed*, Recd. Read March 21, 1703. 1 p. [*C.O.* 5, 863. No. 89.]

March 21. **202.** W. Popple, jr., to Sir Edward Northey. The Council of Trade and Plantations send inclosed Acts, past at Nevis Oct. 23 last, entituled, *An Act concerning the billeting of soldiers in this Island*, and *An Act for the better securing and confirming the titles of land in this Island*, and desire your opinion in point of law, as soon as conveniently may be. You will be attended in this matter by Collonel Jory, Agent for Nevis. [*C.O.* 153, 8. p. 262.]

March 22. **203.** Attorney General to the Council of Trade and Plantations. On consideration of the case of Manasses Gillingham who (being a naturall borne subject of H.M., but a settled inhabitant in the Island of St. Thomas, belonging to the King of Denmark and naturalized there) traded from thence to and with the Spaniards in warr with H.M., I am of opinion his being naturalized without the lycence of H.M. will not discharge him from the naturall allegiance he owes to H.M., however he being a settled inhabitant in the Island of St. Thomas under the King of Denmark, and not having been commanded to return into H.M. Dominions as he might have been, though naturalized there, his trading with the Spaniards from that Island in amity with the Danes will not be a capitall, if any offence at all, and therefore I cannot advise the proceeding against him criminally for such trading. If any inconvenience happens from such trading, as is suggested by the Governour of Barbados's letter, the Queen's subjects may be recalled to returne to H.M. Dominions, and if they refuse and after trade with H.M. enemies, they may be proceeded against criminally for such trading as any of H.M. subjects residing in her Plantations may be proceeded against for trading with H.M. enemyes, that is for a misdemeanour, for I doe not take simple trading with an enemy to be high treason

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unless it be in such trade as furnishes the enemy with stores of warr. *Signed*, Edw. Northey. *Endorsed*, Recd. Read March 22, 1704. [C.O. 28, 7. No. 26; and 29, 8. pp. 417-419.]

March 23. **204.** Council of Trade and Plantations to the Earl of
Whitehall. Nottingham. Having prepared a Commission of Enquiry relating to the Mohegan Indians [March 9 etc.], we pray your Lordship to present the necessary warrant to H.M. for passing the said Commission. [C.O. 5, 1290. p. 478.]

March 23. **205.** Council of Trade and Plantations to the Queen. We
Whitehall. have prepared the annexed draughts of letters [see Feb. 23].
Annexed,

205. i. Circular Letter to the Governments of Connecticut and Rhode Island. St. James's. Whereas we have been informed that upon occasion of the incursion of the French and Indians upon the frontiers of our Province of the Massachusetts Bay, our Governour of that Province did write to you in the most pressing manner for a small assistance of men, but notwithstanding the urgent occasion, and that your security from the French and Indians depends upon the preservation of the Massachusetts Bay against such incursions, you did refuse to contribute to their assistance; we do hereby signify unto you that we very much disapprove such your refusal, and will and require you to assist the neighbouring Provinces as occasion may require for the mutual security of all our subjects in those parts. [C.O. 5, 1290. pp. 479, 480.]

March 23. **206.** Council of Trade and Plantations to the Earl of
Whitehall. Nottingham. *Pray* him to recommend Lady Bellomont's petition [March 21] to the Queen. [C.O. 5, 1120. pp. 97, 98.]

March 23. **207.** Order of Queen in Council. Ordering the Commission
St. James's. of Enquiry [March 23] to be sent to Lord Nottingham, who is to cause a warrant to be prepared for H.M. signature etc. *Signed*, John Povey. *Endorsed*, Recd. 30, Read 31st March, 1704. $\frac{3}{4}$ p. [C.O. 5, 1262. No. 78; and 5, 1290. p. 486.]

March 23. **208.** Order of Queen in Council. Approving Letters to
St. James's. the Governments of Connecticut and Rhode Island and ordering the same to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed as preceding*. [C.O. 5, 1262. No. 79; and 5, 1290. p. 487.]

March 23. **209.** Council of Trade and Plantations to the Queen. Laying
Whitehall. before H.M. the draught of Instructions for Governor Mathew relating to the Acts of Trade and Navigation. [C.O. 153, 8. p. 263.]

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 March 23. **210.** Order of Queen in Council. Approving above and ordering them to be prepared for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. 30, Read 31st March, 1704. $\frac{3}{4}$ p. [*C.O.* 152, 5. No. 64; and 153, 8. p. 264.]
- March 23. **211.** Council of Trade and Plantations to the Queen. Whitehall. *Recommend* the appointment of an Engineer to perfect the fortifications in Newfoundland; recommend the sending of supplies as proposed by Mr. Thurston (Feb. 22); and that the Commander of the Convoy take an exact muster of the soldiers there, *etc.* *Set out*, *Acts of Privy Council*, II. No. 926. [*C.O.* 195, 3. pp. 289-293.]
- March 23. **212.** Order of Queen in Council. Approving above Representation and ordering the Board of Ordnance to give the necessary directions accordingly. *Signed*, John Povey. *Endorsed*, Recd. 30th, Read 31st March, 1704. $1\frac{1}{4}$ pp. [*C.O.* 194, 3. No. 14; and 195, 3. pp. 294, 295.]
- March 23. **213.** Order of Queen in Council. Approving above Representation, and referring the accounts *etc.* to the Lord High Treasurer. *Signed*, John Povey. *Endorsed as preceding*. $1\frac{1}{4}$ pp. [*C.O.* 194, 3. No. 15; and 195, 3. pp. 296, 297.]
- March 23. **214.** Order of Queen in Council. Approving above Representation, and directing the Lord High Admiral to give the necessary directions. *Signed* John Povey. *Endorsed as preceding*. $1\frac{3}{4}$ pp. [*C.O.* 194, 3. No. 16; and 195, 3. pp. 298-300.]
- March 23. **215.** Council of Trade and Plantations to the Queen. We Whitehall. have no objections to Mr. Bridger's accounts [*see* Dec. 9 *etc.*] except that the article of 200*l.* for attending the Admiralty, Treasury and Plantation Offices may be abated 100*l.* He will then be debtor to your Majesty 5*sl.* 11*s.* 8*d.* But whereas he has further expectation of salary and recompense for his service in surveying the woods *etc.*, we offer that the consideration of such his services may be referred to H.R.H. Council. [*C.O.* 5, 911. pp. 224, 225.]
- March 23. **216.** Order of Queen in Council. Ordering, upon above St. James's. Representation, that the Council of Trade consider of a fit recompense for John Bridger. *Signed*, John Povey. *Endorsed*, Recd. 30th, Read 31st March, 1704. $\frac{3}{4}$ p. [*C.O.* 5, 863. No. 88; and 5, 911. pp. 232.]
- March 24. **217.** Council of Trade and Plantations to Governor Dudley. Whitehall. H.M. has been informed that several prizes taken in the last warr against France were carryed into the Massachusetts Bay and New Hampshire, and that no due account of such prizes has been rendred to the Crown, and we are to direct you to give the necessary orders therein and that you be otherwise aiding and assisting to John Coleman, Merchant, or such person

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or persons within your Governments as are or shall be appointed by John Parkhurst for the recovery of the arrears due for such prizes. [*C.O.* 5, 911. *p.* 226.]

[March 27.] **218.** Mr. Jennings' Observations upon the Laws of Virginia relating to the Church, Courts, Revenue, liberty of the subject, Militia, seating lands, appointing sheriffs, electing Burgesses, Officers, and rates of money. *Endorsed*, *Reed.* 27, *Read* 29th March, 1704. 8 large *pp.* [*C.O.* 5, 1314. *No.* 2.]

March 27. **219.** Edward Jones to the Council of Trade and Plantations. Mr. Justice Bennet [*see Feb.* 28] will not insist on the six months' time allowed him, but is willing that I may forthwith return to my places, he nor Mr. Noden (who is concerned for the people of Bermuda) having no instructions to make any prosecution against me. I therefore pray your Lordships to represent to H.M. that I may be restored to my places, having been suspended near 3 years, and the more for that I have now an opportunity to return to my family with the West India Fleet. *Signed*, Ed. Jones. *Endorsed*, *Reed.* *Read* March 27, 1704. 1 *p.* [*C.O.* 37, 6. *No.* 11; and 38, 5. *pp.* 466, 467.]

[March 28.] **220.** William Sharpe of Barbados and Barbara his wife to the Queen. Pray to be heard in the matter of James Cowes' petition before any order be made. *Endorsed*, *Reed.* *Read* March 28, 1704. 2½ *pp.* [*C.O.* 28, 7. *No.* 27.]

March 28. **221.** Grant of the Plantation of Monsieur Olivie, 150 acres, lying to the Westward of Monkey Hill in Basseterre quarter, St. Kitts, to Lieut. David Dunbar, "for his service in the reducing the French part of this Island." *Signed*, Chr. Codrington. *Sealed.* 1 *p.* [*C.O.* 152, 42. *No.* 1.]

March 29. **222.** Council of Trade and Plantations to the Lord Bishop
Whitehall. of London. Col. Nicholson having transmitted to us a collection of Bills prepared by a Committee for the Revisal of the Laws of Virginia, and there being amongst them several for settling the affairs of the Church and Clergy, we do not think fit to proceed thereupon without your Lordship's assistance, and which we desire your Lordship to favour us with on any Fryday, Monday or Wednesday between 4 and 7 p.m. [*C.O.* 5, 1360. *p.* 458.]

[March 30.] **223.** Mr. Cater to the Council of Trade and Plantations. Agent for William Sharpe [March 28], he presents a memorial in his favour. *Signed*, Everard Cater. *Endorsed*, *Reed.* *Read* March 30, 1704. 1 *p.* [*C.O.* 28, 7. *No.* 28.]

March 30. **224.** Council of Trade and Plantations to the Queen.
Whitehall. Recommend to H.M. approval two Acts of New York, April 6, 1703, to enable the building of a larger Church for the French Protestants, and for the better maintenance of the Minister of New York City. [*C.O.* 5, 1120. *pp.* 99, 100.]

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March 30. **225.** Order of Queen in Council. Approving above Acts of
 St. James's. New York. *Signed*, John Povey. *Endorsed*, Recd. 4th, Read
 12th April, 1704. 1½ pp. [C.O. 5, 1048. No. 80; and 5, 1120.
 pp. 100, 101.]

March 30. **226.** Order of Queen in Council. Referring enclosed to
 St. James's. the Council of Trade and Plantations for their report. *Signed*,
 John Povey. *Endorsed*, Recd. Read April 10, 1704. 1 p.
Enclosed,

226. i. Petition of Six Members of Council of Virginia to the
 Queen. Virginia, May 20, 1703. [Cf. April 10.]
 Nothing but a true regard to your Majesty's service,
 the peace and happiness of this Colony, and to that
 trust your Majesty has been pleased to repose in us,
 should have at present induced us to this unusual way of
 addressing your sacred Majesty for relief of ourselves
 and other your Majesty's good and loyal subjects of
 this country from the many great grievances and
 pressures we lye under by reason of the unusuall insolent
 and arbitrary methods of Government, as well as wicked
 and scandalous examples of life, which have been
 now for divers years past put in practice by H.E.
 Governor Nicholson, which we have hitherto in vain
 endeavoured, by more soft and gentle applications to
 himself, to remedy and prevent; but to our unspeakable
 grief, we have reaped no other fruit of our more private
 representations, but that thereby we have so highly
 exasperated the revengefull mind of the said Governour
 to the highth of implacable malice and enmity against
 ourselves and the better part of your Majesty's good
 and loyall subjects of this Colony, who are of the same
 sentiments, that without your Majesty's seasonable
 interposition, we cannot but apprehend the dangerous
 consequences of such practices, not only in kindling
 and fomenting of lasting feuds and animosities, but
 in endangering the publick peace and tranquility of
 this country. The particular instances of his mal-
 administrations are so many that we have chosen
 rather to transmitt them in Memorials to some noted
 friends of this country to be by them laid before such
 persons as your Majesty shall think fitt to appoint
 to examine them, humbly praying your Majesty's
 gracious consideration of our deplorable circumstances,
 and that the Government may be put into such hands
 as will observe your Majesty's laws and instructions, etc.
 Robert Carter, James Blair, Phil. Ludwell, J. Lightfoot,
 Mat. Page, Benj. Harrison. *Copy*. 2¾ pp. [C.O. 5,
 1314. Nos. 3, 3.i.; and 5, 1360. pp. 462-465.]

[March 30.] **227.** Draught of a Bond to be entered into by Mr. Byfeld
 and others for the importation of 1,800 barrills of pitch and tarr

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in 2 years from Pennsylvania, Carolina etc. *Endorsed*, Reed. Read March 30, 1704. 1 p. [*C.O.* 5, 1262. No. 80; and 5, 1290. p. 485.]

[March 30.] **228.** Mr. Bridger to the Council of Trade and Plantations. Setting forth his services and hardships as Surveyor of Naval Stores in New England, and praying that 500*l.* a year may be allowed for his time spent in that service. *Signed*, J. Bridger. *Endorsed*, Reed. 30th, Read 31st March, 1704. 2 pp. [*C.O.* 5, 863. No. 87; and 5, 911. pp. 233-236.]

March 31. **229.** The Queen to the Attorney or Solicitor General. Order
St. James's. to prepare a warrant granting the place of Secretary of the Leeward Islands to Charles Finch, in place of George Larkin, to enjoy the said office by himself or sufficient Deputy or Deputies etc. *Signed*, Nottingham. [*C.O.* 152, 39. No. 98.]

March 31. **230.** Wm. Popple, jr., to Sir Edward Northey. A Com-
Whitehall. mission having been issued by the late King directed to the Lord Grey, Governor of Barbados, or to the Governor in Chief for the time being, and to the then Council and Council for the time being, and severall other persons therein named for the trying of pirates there, in pursuance of a late Act of Parliament in that behalf, and some difficultys having arisen in Barbados, relating thereunto, and Sir Beville Granville, the present Governor, having had the opinion of the Attorney and Solicitor Generall of Barbados thereupon, the Council of Trade and Plantations command me to send you the same here inclosed and to desire your opinion, whether it be necessary for H.M. to grant a new Commission or no. [*C.O.* 29, 8. pp. 424, 425.]

March 31. **231.** Wm. Popple, jr., to Josiah Burchett. *Encloses* extract
Whitehall. of letter from Governor Handasyd, which the Council of Trade and Plantations desire you to lay before H.R.H. Council. [*C.O.* 138, 11. p. 169.]

March 31. **232.** H.M. Commission to Coll. Handasyd to be Captain
General and Governor in Chief of Jamaica. [*C.O.* 138, 11. pp. 171-193.]

April 3. **233.** W. Popple, jr., to William Lowndes. *Desires* him
Whitehall. to remind the Lord High Treasurer of the Representation of the Council of Trade and Plantations (Nov. 23) relating to foreign coin. [*C.O.* 324, 8. p. 406.]

April 4. **234.** Council of Trade and Plantations to the Queen. Having
Whitehall. discoursed with several merchants concerned in the Plantations in reference to the importation of Naval Stores from hence, and having not found any with whom so advantageous a contract may be made as with Thomas Byfield and others, who at present trade as a Company with a joint stock to the Continent of America, they offering personal security for the importation of 1,800

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barrills of pitch and tar in 2 years, and to continue a yearly increase of that quantity, provided your Majesty grant them a Charter, not excluding any others from trading in those commodities, which being the best method we have hitherto been able to find out for this so necessary a service, we humbly offer to your Majesty that a Charter be granted to them, and that your Majesty be pleased to refer the annexed draught of a Charter for that purpose to your Majesty's Attorney General for his report thereon in the point of Law. *Annexed,*

234. i. Draft of Charter referred to in preceding. [*C.O.* 5, 1291. *pp.* 1-29.]

April 4.
Whitehall.

235. Council of Trade and Plantations to the Queen. We have heard Edward Jones upon his petition [*Cf. Nov. 18 and Jan. 24 etc.*], and humbly observe that the charges against him are not sufficiently proved, but that Jones may on one side have behaved himself with too much warmth and indiscretion in the discharge of his employment of Provost Marshall, and that on the other hand he might have found great provocation from the stubbornness and ill temper of those persons with whom he had to do in his employment, and having made due submission to the Governor for some reflecting expressions relating to him, we humbly offer to your Majesty that his suspension be taken off and the fines imposed on him remitted, and that your Majesty's pleasure be signified to Capt. Bennet accordingly. [*C.O.* 38, 5. *pp.* 468, 469.]

April 4.
Whitehall.

236. Council of Trade and Plantations to the Board of Ordnance. *Enclose* extract of letter from Governor Sir B. Granville recommending Capt. Hayes. [*C.O.* 29, 8. *p.* 425.]

April 4.

237. Office of Ordnance to the Council of Trade and Plantations. We have considered the *above* proposal made by Governor Sir B. Granville, and cannot approve of appointing Capt. Hays, whom he recommends to be Engineer there, having no knowledge of the man nor of his abilities, nor has he ever been employed by this office. But it being H.M. pleasure that another able Engineer should be sent to Barbados in the place of Capt. Sherrard, and there being two Engineers from this Office at Jamaica, where we are of opinion that one will be sufficient for H.M. service at present, we propose that the other have orders to goe from thence to Barbados, which wee forbear to give untill we know whither your Lordships have any objection to it. *Signed,* Granville, Wm. Bridges, Ja. Lowther, J. Craggs, C. Musgrave. *Endorsed,* Recd. Read April 7, 1704. *Autograph.* 1 *p.* [*C.O.* 28, 7. *No.* 29; and 29, 8. *p.* 426.]

April 4.
Council Office.

238. John Povey to W. Popple. The Lords of the Committee of the Privy Council having appointed to meet on the 6th to hear Commodore Walker in answer to a complaint from the Governor of the Leeward Islands, desire the papers in your office which may serve for their information. *Signed,* John

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Povey. *Endorsed*, Recd. Read April 5, 1704. 1 p. [*C.O.* 152, 5. No. 65; and 153, 8. p. 265.]

April 5.
Whitehall.

239. W. Popple, jr., to Mr. Povey. In reply to preceding encloses Col. Codrington's letter Aug. 8, 1703. He promised by the last paquet to send by a ship that was to sail in 8 days a full account of all things concerning his Government, in which there may be some account of the expedition to Guardaloupa. [*C.O.* 153, 8. p. 266.]

April 5.

240. Attorney General to the Council of Trade and Plantations. I have considered the Acts of Nevis, Oct., 1703, concerning the billeting of soldiers, and for the better securing the titles of land, which I conceive are agreeable to Law and Justice and doe not containe anything prejudiciall to H.M. Royal prerogative. *Signed*, Edw. Northey. *Endorsed*, Recd. April 5, Read May 8, 1704. $\frac{3}{4}$ p. [*C.O.* 152, 5. No. 66; and 153, 8. p. 287.]

April 5.

241. Mr. Jenings to the Council of Trade and Plantations. I believe there is annually made in Virginia near 3,000 barrells of tar in Princess Anne County, which contains 97,891 acres of patented land, and part of Norfolk County about 50,000 acres of low pine land, not agreeable for tobacco, and the small quantity there made is of the worst esteem, and so little value that discourages the inhabitants to plant, and forces them to endeavour to cloath and maintain themselves by manufacturing of wooll and leather, and raising stocks of cattle and hoggs. What tarr now made, is of the knots and peices of fallen trees, if there were a certain vent, 'tis probable treble the quantity would bee made out of growing trees in those countyes and 'twould be much better in the kind, and for all uses, and also would be made in other parts of the country not proper for planting tobacco. Tarr is generally sold from 10 to 12s., pitch double that rate per barrell for goods, sometimes money, the barrell by the law to containe at least 30 gallons; some is made use of by the inhabitants for their houses, boats, etc., part disposed of to the Masters of ships for their use, and part transported to Barbados, Jamaica and Leeward Islands. Freightling tarr for England hath not yet bin used, but beleive the Masters may compute 14 barrells to a Virginia tun, which in war is frequently £12, in peace £6 per ton. For the incouragement of making tarr and pitch in Virginia I presume may be by assuring as great a price at least as for Sweedish tarr to them that shall first every year deliver into H.M. store house — lasts of pitch and tarr for the service of H.M. Navy, and after such a quantity is delivered as shall be thought needfull for that service, for a general incouragement, no custome be paid, and some small allowance be made for each last that shall be brought into the kingdom from the Plantations. That there be no restraint or contract because the uncertainty of convoys and length of the voyage will make the same impracticable, and discourage the undertaking, if every person

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cannot have the hopes and liberty of serving H.M., or the advantage of the market. That the same be made publick by proclamation or otherwise. *Signed*, E. Jenings. *Endorsed*, Recd. Read April 5, 1704. 2 pp. [C.O. 5, 1314. No. 4; and 5, 1360. pp. 459-461.]

April 6. **242.** Council of Trade and Plantations to the Queen. Whitehall. *Recommend* that Mr. Bridger be allowed 250*l.* per annum for 5 years. [See *Acts of Privy Council*, II. pp. 443, 444.] [C.O. 5, 911. pp. 237, 238.]

April 6. **243.** Some Proprietors of New Jersey to the Council of Trade and Plantations. Whereas divers persons calling themselves the Council of Proprietors residing in Jersey, have assum'd to themselves a power of purchasing and taking up lands of the Indians, in the West part of the Province, without the knowledge or consent of the Proprietors in England, We humbly pray your Lordships will give directions to the Governor that a stop may be put to their proceedings, till it appears to be pursuant to the Constitution settled and agreed to by the original Proprietors. And we humbly offer to your Lordships the following persons, viz., Col. Richard Townly, Miles Forster, Abraham Bickly and Dr. John Johnston, to fill up the vacancies in the Council, who are gentlemen that have considerable freeholds, and reside upon the place. For our selves and divers other Proprietors residing in England. *Signed*, Paul Doeminiue, John Bridges, Rob. Michel. *Endorsed*, Recd. Read April 6, 1704. 1 p. [C.O. 5, 970. No. 20; and 5, 994.A. pp. 145, 146.]

April 7. **244.** Edward Jones to the Council of Trade and Plantations. London. *Prays* to be allowed the rents and profits of his place during his suspension etc. *Signed*, Ed. Jones. *Endorsed*, Recd. Read April 12, 1704. $\frac{3}{4}$ p. [C.O. 37, 6. No. 12.]

[April 7.] **245.** Report of the Solicitor General [Sir C. Hedges] upon draught of Instructions for Privateers. *Detailed Criticisms*. 5 $\frac{1}{4}$ pp. *Enclosed*,
245. i. Copy of draught of Instructions for Privateers (March 15, 170 $\frac{3}{4}$). *Endorsed*, Recd. Read April 7, 170 $\frac{3}{4}$. 3 pp. [C.O. 323, 5. Nos. 44, 44.i.]

[April 8.] **246.** L. Compere, Receiver General of Jamaica, to the Queen. Prays for the repeal of two Acts, Jamaica, Nov., 1703, *for raising an additional duty*, and *for raising a Revenue*. *Signed*, Leonard Compere. *Subscribed*,
246. i. April 8, Whitehall. H.M. refers this petition to the Council of Trade and Plantations for their report. *Signed*, Nottingham. *The whole endorsed*, Recd. Read April 12, 1704. 1 p. [C.O. 137, 6. Nos. 44, 44.i.]

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[April 10.] **247.** Memorial concerning the maladministration of Governor Nicholson. *Dated* May 20, 1703. Not to speak of the vast number of instances of his injustice, oppression and insolence to particular persons, which would require a large volume, we shall limit our observations to his behaviour towards ourselves, *etc.* (1) He engrosses all power by acting alone in most of the chief affairs of the Government. Justices of the Peace, who used always to be nominated by and with the Council's advice and consent, are now privately appointed by himself, and sometimes blank Commissions are signed and sealed for that purpose, to be filled up by particular favourites. The same method is used for striking any one out of the Commission of the Peace, without any fault communicated to the Council; of late a whole Court was in this manner turned out at once (two only excepted), and very insufficient and undeserving men substituted. All the Sheriffs are of late similarly appointed, and all Militia and Naval Officers. Orders and Proclamations of all sorts are issued out in H.M. name without any advice in Council. The accounts of H.M. Revenue (if past at all) are past by H.E. without the knowledge of the Council. Particular Agents are similarly sent home by him and paid out of H.M. Revenue. A standing Agent is similarly named by H.E. in England and allowed 100*l.* per annum out of H.M. Revenue. Rules of limitation in taking up of land have been similarly prescribed to Surveyors, against both Law and Custom. Many things are put upon Record both in the Secretary's and Council Offices, and others forbid to be put upon Record, without any advice in Council. H.E. recommends home such persons as he thinks fit to be put upon the Council, without the knowledge or advice of the Council. By his interposition with the Secretary, the Clerks of County Courts are put in and removed at pleasure, without any advice in Council, and much to the dissatisfaction of the Courts. (2) Many matters of great moment are transacted by H.E. expressly contrary to advice in Council, *e.g.* the calling so many General Assemblies, and at such unseasonable times of the year, to the great trouble and charge of the Inhabitants. The exasperating of Assemblies with harsh speeches and irritating propositions, to the great obstruction of H.M. business. The keeping the land on Blackwater and Pamunkey Neck shut up, without any instruction, contrary to the advice of both Council and Burgesses. When afterwards, by an Order of himself and Council notified by Proclamation all over the Country, the Blackwater Land was opened, and a great many people had bin at the charge of purchasing rights of H.M. and of making entrys and surveys, he by his privat orders contradicted and retracted all, forbidding the Surveyors to proceed, without taking any notice to the Council, to the great loss of H.M. in her quit-rents. (3) He signs many orders, warrants, pattents, Commissions *etc.* in Council, on purpose to have the colour of the Council's name, which are never so much as read in Council, and the Council knows nothing of them. (4) There is now no check upon the accounts of H.M. Revenue, whereas formerly they used to be examined and past

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in Council at a solemn audit. (5) He is so impatient of all just freedom of dispute or debate in Council that if any one of the Council presumes to differ in opinion from him, he is treated with reproofs and threats in the most rude, insolent and abusive manner. (6) To the end he may act without controul, he carefully conceals from the Council the knowledge of his Instructions, by which (we humbly conceive) we ought to be directed in giving and he in taking advice. (7) He has endeavored upon all occasions to debase and vilify the Council before the people by giving them gross and abusive language (such as Rogues, Villains, Raskalls, Cowards, Dogs, *etc.*) to their faces and behind their backs, reflecting upon them as if they had gott their estates by cheating the people, swearing that he valued the Council no more than the dirt under his feet, and that he would reduce them to their primitive nothing, and likewise advancing men of inferiour stations to the chief commands of the Militia, by which trusts and honours the Council alone used formerly to be dignified and distinguished, to H.M. great security in times of danger, by these means endeavouring not only to regain the good opinion of the common people, but also to beget in them such jealousies and distrusts of the Council as might render them incapable to withstand his arbitrary designs. (II.) *His behaviour in the Upper House of Assembly.* (1) Whereas that House humbly conceives that they ought to be left to the freedom of their own debates, without being swayed and overawed by the Governour's interposition, he is not only continually present, but takes upon him to preside and debate, and state the questions and overrule, as if he were still in Council, which the said House takes to be a great encroachment on their libertys and priviledges. (2) His usual, high, haughty, passionat, and abusive way of browbeating, discouraging and threatning all that speak anything contrary to his opinion or design is another great encroachment on the liberties of that House. (3) His endeavouring to beget or feed a bad understanding between the two Houses, his downright interposing and siding sometimes with one House and sometimes with the other, and making entrys to that purpose in the Assembly Books we take to be a great encroachment on the liberties of both Houses. (4) His closetting of the Members, and using all the arts of cajoling and threatning for his own ends, not sticking sometimes to threaten the cutting of their throats, and their utter ruin, we take to be another intolerable encroachment on the liberties of that House. (5) He makes several extemporary rash speeches to both Houses, cajoling or irritating, promising or threatning, which though they have great influence in making or marring the business of Assemblys, yet are never put into writing, nor appear anywhere in the Minutes. (III.) *His behaviour in the Generall Courts.* (1) He uses gross and visible partiality in most cases of his friends or enemies, abusing the Council at the Barr, and often hectoring his fellow Judges, if they happen to differ from him. (2) He keeps Courts at most unseasonable hours in the night, to the great dissatisfaction and endangering the health of Judges,

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Lawyers and People. (3) He sends for his creatures from the country, and gives directions to the Sherriff to put them upon the Grand Jury, and tampers with these Grand Juries to procure flattering eulogiums of himself, that by the sending of these for England his true character may be concealed. (4) He often makes particular entries, contrary to the opinion of the rest of the Court, and in very abusive and reflecting terms. (IV.) *Other publick abuses in his Government.* (1) He makes H.M. name cheap and contemptible by using it to every frivolous, unnecessary or arbitrary command, *e.g.*, if he wants to speak with any man, the message is brought him in these words, H.E. commands you in the Queen's name to come to him immediately; if he wants an horse or boat and hands *etc.*, he sends presently to press them in H.M. name, or whatsoever other commands he gives, tho' no manner of way relating to the Government, they are all given in the Queen's name. (2) He encourages all sorts of sycophants, tattlers and talebearers, takes their storys in writing, and if he can, persuades or threatens them to swear to them, without giving the accused person any opportunity of knowing his accusation or accusers. (3) He has privately issued severall Commissions to examine witnesses against particular men *ex parte*; he has forced men upon oath to turn Informers; and if witnesses do not swear up to what is expected, they are tampered with, and additional depositions are taken, but all this while the person accused is not admitted to be confronted with or to defend himself against his accusers. (4) As he encourages these sycophants, and has some such in most parts of the country, so he is a man so subject to suspieion and jealousy, that he readily believes and mightily improves all such storys, and studies and pursues revenge to the utmost against all whom he suspects, and all their kindred and friends. (5) He makes it a great part of his business, by most malicious storys of his own coining, to blast the reputation of all such persons of either sex against whom he has any manner of prejudice, and by that means prostitutes his own honour and honesty. (6) He endeavours mightily to make parties and to foment divisions in the country. (7) He is exceedingly self-willed and utterly unaccountable by any persons. (8) He values not how arbitrary and illegal his commands are. If the ordinary Attorney for H.M. will not undertake his designs as being against Law, he employs others that will. Upon an Attorney Generall's declining one of his commands as being against Law, he took him by the collar and swore by God he knew of no Laws we had, and that his commands should be obeyed without hesitation or reserve. (9) His haughty, furious and insolent behaviour to the best Gentlemen in the Country is more like downright madness than anger and passion. He has told us sometimes that he knew how to govern the Moors, and that he would beat us into good manners, and sometimes upon very trivial occasions, he has threatened very considerable Gentlemen to try them for their lives, swearing that he must hang one half of these rogues before the other would learn to obey his commands. He has not only in rash words threatened to cut Gentlemen's throats, but sent

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them formal messages and made solemn vows that he would be their death or their ruin and to assure them that he should be born out in all these things. And he has bin heard to make his brags that right or wrong he could by his authority ruin any private man. (10) He is so abusive in his words and actions, as not only to treat our best Gentlemen with the scurrilous names of Dogs, Rogues, Villains, Rascals, Cheats, and Cowards, and our best women with the names of Whores, Bitches, Jades, *etc.*, but actually to beat and buffet some Gentlemen in a most publick, insolent and tyrannical manner. (11) In his rage he has most arbitrarily committed men into custody without any cause of commitment assigned, and without prosecution thereon. (12) His prophane custome of bloody cursing and swearing, and that often immediately before or after Prayers, and perhaps the same or next day after receiving the blessed Sacrament, convinces all people that he has no sense of Religion, and that he is a great scandal to the Church of England, for which he pretends to set up. (13) This is farther confirmed by the many gross immoralities and pranks of leudness and rudeness to women that he is notoriously known to be guilty of in several parts of the Country. (14) His rash and prophane swearing ensnares him sometimes in the higher sin of forswearing, particularly upon pretence that a great deal of injustice has bin done by executors and administrators in the execution of their trusts; he swore several times that he would never sign any more probates or Commissions of Administrations, saying it was against his conscience, and in this humour he continued for several months, often repeating solemn oaths that he would never do it; yet afterwards, when he found the complaints in the country grew very loud, and feared the bad influence of them on a General Assembly then called, he got over all his oaths and signed them again, as himself and other Governors before had used to do. And by such rash oaths and solemn promises upon publick occasions, which he hath afterwards thought fit to break, he hath so ruined his credit that neither his promise nor oath are now any more regarded. (15) He hath extreemly ensnared the consciences of the Clergy by arguing, perswading, bribing and terrifying them into such eulogies and encomiums of himself in high flown flattering Addresses as must make them forfeit their honour and honesty if they comply with them, or expose them to his fury and revenge, and consequently their own ruin, if they refuse them. (16) To oblige his flatterers, he breaks through the clearest Instructions, and the greatest ground of merit with him is to be forward in promoting of any flattering address to recommend him to the Court of England. For this reason the Foreman of a Grand Jury that had drawn one of the most fulsome of these Addresses, was lately immediately rewarded with a Naval Officer's place worth about 100*l.* per annum, taken on purpose from an honest gentleman that had blamelessly managed it. And one of the greatest traders of this Country (because he is a tool of his) was by him preferred and has bin all along kept in the possession of such another Naval Officer's place, expressly contrary to

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the Royal Instruction, which positively forbids the bestowing of these places on any men much in trade. (17) His ordinary housekeeping is most scandalously penurious, no way suiting the dignity of H.M. Governour, having but one dish of meat at his Table; tho' at publick times when he has any flattering address to procure, or any other design in hand, he prepares such treats as he thinks may best contribute to the carrying on of his sinister purposes. (18) Tho' this is his real character, he takes all imaginable care to conceal the same in England (1) by giving out terrible threatenings against all that shall offer to accuse him there; (2) by endeavouring to stop all from going out of the country, that he suspects will give an unfavourable character of him; (3) by giving the falsest and blackest characters of all such as he fears will dare to write the truth, as if they were men of scandalous lives, or disaffected to H.M. Government, tho they are men of never so known loyalty and good credit and reputation; (4) by procuring flattering addresses from packed Grand Jurys, for which he rewards them with places of honour and profit in the Government; (5) by calling clandestine meetings of such of the clergy as will joyn in the like flatteryng addresses, and menaging them with treats and presents and protection of such as are obnoxious, and promotion of such as are desirous of better preferments; (6) by intercepting letters in hopes of discovering the intelligence for or from England concerning his conduct in this country, to the unspeakable hindrance of friendship, trade and business; (7) by procuring the commendatory letters of the few Church of England Ministers that are in New England, New York, and Pensilvania, to whom and their Churches he sends now and then a present when he wants any of these flattering recommendations; (8) especially by employing Sir Thomas Laurence in Maryland, and Col. Quarry in Pensilvania (men linkt in interest with him) to varnish over his unjustifiable life and government, for which he repays them both with his own favours, and by employing his interest in England to promote theirs; the intercourse between him and them being kept up at H.M. charge, as may appear by the extraordinary disbursements for messages to the northward in the accounts of H. M. Revenue. If further proof is required, we pray that witnesses may be examined here and enabled to deliver their testimony free from the terrour and resentment of his arbitrary Government, and that we may have free access to the Council and Assembly books and all other publick Records; and that H.M. by Instructions to her future Governours will provide that the above grievances may not prejudice our rights and liberties. *Signed*, J. Lightfoot, Matthew Page, Benj. Harrison, Robert Carter, James Blair, Phil. Ludwell. *Endorsed*, Reed. Read April 10, 1704. 11 pp. [C.O. 5, 1314. No. 5.]

April 11.
Whitehall.

248. Wm. Popple, jr., to Richard Warr. The Council of Trade and Plantations having considered the letter from Lord Nottingham of Feb. 24, together with the Memorial of Monsr. Vryberg inclosed in yours of March 3, and their Lordships

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having thereupon examined the instructions to be given to privateers with several other papers transmitted to them relating thereto, their Lordships do observe that the abovementioned letter imports that H.M. has thought fit to direct that the trade between H.M. Plantations and the Spanish Dominions in America only be continued during the present warr, in such manner as it might have been done in time of peace, and that this resolution has been taken in concert with the States General, who will give the like orders to the Governours of their Plantations in America, by which their Lordships do understand that the trade with the Spaniards in America is not intended to be carried on in any other manner or with any other concessions than as before the Declaration of War. Whereupon their Lordships desire to be particularly informed if the instructions to be given to privateers are to be so drawn up as by encouraging a free and open trade with the Spaniards in America all Spanish ships may either go to or come from any of ours, or the Dutch Plantations, or to and from any of their own Plantations, or be and remain in any of their own Bays or Harbours without molestation; Which dos indeed amount to a cessation from all hostilities with the Spaniards in America; or if such orders are to be confined to the carrying on a trade with the Spanish West Indies, we retaining still the liberty of annoying the Spanish ships and galleons as well in any of the Spanish Ports, as in going from one Spanish Port to another. Otherwise they, or the French under their names, may have an opportunity of bringing such galleons and treasure unmolested to Europe. $1\frac{1}{2}$ pp. [C.O. 5, 3. No. 13; and 324, 8. pp. 407, 408.]

April 12. **249.** Council of Trade and Plantations to the Board of
Whitehall. Ordnance. *Acknowledge* letter of Board of Ordnance Ap. 4, etc.
[C.O. 29, 8. p. 427.]

April $\frac{18}{29}$. **250.** Commandant Beekman to [? the Directors of the Dutch
Fort West India Company]. *Signed*, Samuel Beekman. *Endorsed*,
Kijkoveral, July 17 (n.s.), 1704. *Dutch*. 8 pp. *Enclosed*,
Rio Essequibo. 250. i. List of papers sent to Middelburgh. *Dutch*. $1\frac{1}{4}$ pp.
[C.O. 116, 19. Nos. 20, 20.i.]

[April 19.] **251.** John Thrale to the Council of Trade and Plantations.
Prays for copy of any writings brought in by the petitioners
against Col. Nicholson, in order to a just defence; and that a
day may be assigned for that purpose. *Signed*, Jno. Thrale.
Endorsed, Recd. Read April 19, 1704. $\frac{3}{4}$ p. [C.O. 5, 1314.
No. 6; and 5, 1360. pp. 466, 467.]

April 19. **252.** Wm. Lowndes to Wm. Popple. Enclosing following
Treasury amended Instructions to Governours, prepared by the Com-
missioners for Prizes, to be laid before the Council of Trade, etc.,
Chambers. for H.M. Signature. *Signed*, Wm. Lowndes. *Endorsed*, Recd.
Read April 20, 1704. $\frac{3}{4}$ p. *Enclosed*,

252. i. Draught of a Circular Letter to Governors. Whereas
complaints have been made to us of abuses in the Courts

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of Admiralty in the Plantations and of irregularities in the disposition of the Prizes brought into our said Plantations, *etc.*, We strictly charge and require you that you be obedient to such orders and instructions as you shall from time to time receive from our High Admirall, and that you require all persons whatsoever in the Plantations whom it may concern to be aiding and assisting in the recovery of our dues as also our High Admiral's dues in cases of prizes, according to our Declaration *for the encouragement of our ships of war and privateers*, and in maintaining the rights of the Admiralty; and that you cause due care to be taken that all commanders of our ships, privateers, *etc.*, doe deliver up the prizes by them taken, and brought to any port within your Government, into the possession of such Officers for prizes as are properly appointed and authorized to take charge of the same, and that all persons be required to be aiding and assisting to the said Prize-Officers in preventing embezzlements and recovering Prize-goods, which may happen to be imbezled and concealed, as well as in the execution of all orders to them directed in relation to prizes by any Court of Admiralty legally established by our High Admirall in our said Plantations *etc.* 1 p. [*C.O.* 323, 5. Nos. 45, 45.i.; and 324, 8. pp. 428-430.]

April 20.
Bermuda.

253. Lt. Governor Bennett to the Council of Trade and Plantations. On Feb. 7 the new Assembly mett, and after sending for them and recommending the passing a Revenue Act without limitation, they on the 9th following sent me by a Committee the enclos'd Act, which for the reasons mentioned in the Preamble I passed. I have not received any letters from you since those of July 28, and if any commands have been sent via Barbados they are still there, for all our vessells that went thither took in freight for either Virginia, Carolina, New England, Pensilvania, New York, or some of the Northern Colonies, soe that not clearing for this place was the reason I have not recd. my pacqts., for by a vessell that belongs to this country, but bound to Virginia, the winds being contrary, put in here, the Master told me that there were severall letters lay for me att Barbados, but would not take them, not knowing of touching here. I enclose the examinations of Joseph Holbeach and Boaz Bell (*No.* 257. i.) relating to a Spaniard who was taken up here on account of piracy, which were, unknown to me, taken before Mr. Larkin, and after swearing the witnesses and signing thereunto, leaving room for my name, he sent the Registrar wth. them, and desired that I would swear and examine the witnesses thereon, and that I would also signe the Depositions, which accordingly I did (being oblig'd to follow his Instructions), whereupon the man was committed. But before a Court of Admiralty was held, the evidences were convey'd away to Carolina in the *Shadow*, by the contrivance of Mr. Larkin, as is made appear by several papers

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in my pacqts. to your Lordships, so that the accused could not be tryed for want of witnesses, and hearing the prisoner's character to be an extraordinary pilot in the West Indies, and he having been in this Country abt. two months before he was taken up, and observed to have been frequently walking about the fortifications and bays, I advised with the Council. It was agreed, the best way to prevent him immediately going back to the enemy would be to send him for England as a prisoner of war, which I have accordingly done, under the care of the Capt. that brings this pacqt., who has my orders to attend my Lord Nottingham wth the prisoner. *Refers to enclosures.* Having recd. an account that the dispute was over relating to the pretensions of the wreck patentees to the French ship that came on the shoals of these Islands, I intended to send your Lordships and the Secretary of the Admiralty an acct. of every peece of rigging that was saved, and what quantity of logwood was taken up by Divers, but expecting my Secretary's arrivall here every day, I thought it convenient to delay it, he takeing an acct. of everything that was brought on shoar, and therefore can best swear to the inventories. *Signed, Ben. Bennett. P.S.—*Capt. Nelson the last Assizes (which began in March) indicted Capt. Richard Penniston and Char. Walker, both of the Councell, for perjury, but the Grand Jury brought the Bills in *ignoramus.* *Endorsed, Recd. June 9, Read July 6, 1704. Holograph. 4 pp. [C.O. 37, 6. No. 14; and 38, 6. pp. 8–12.]*

April 20. **254.** Order of Queen in Council. Upon Representation of
St. James's. April 4, referring draught of Charter to Thomas Byfeild *etc.* to the Attorney and Solicitor General. *Signed, Edward Southwell. Endorsed, Recd. Read April 27, 1704. 1 p. [C.O. 5, 1262. No. 81; and 5, 1291. p. 30.]*

April 20. **255.** Wm. Popple, jr., to Sir John Cook, H.M. Advocate
Whitehall. General. The Council of Trade and Plantations desire your opinion whether privateers or others with letters of marque are obliged upon their arrival in any Port of England or in the Plantations to deliver up the prizes taken by them into the possession of the Commissioners of Prizes. *[C.O. 324, 8. pp. 430, 431.]*

April 20. **256.** Council of Trade and Plantations to the Earl of
Whitehall. Nottingham. Pursuant to H.M. Directions, we have prepared and enclose an additional Instruction for Privateers and ships carrying Letters of Marque in reference to the Spaniards in the West Indies. *Annexed,*

256. i. Additional Instructions for privateers referred to in preceding. *Not sent. [C.O. 324, 8. pp. 409–427.]*

April 20. **257.** Lt. Governor Bennett to Mr. Popple. *Desires him to*
Bermuda. forward a pacquet to Lord Nottingham, *etc.* *Signed, Ben. Bennett. Endorsed, Recd. June 9, Read July 6, 1704. 1 p. Enclosed,*

257. i. Copy of the Examination of Joseph Holbech and Boaz Bell. Sept. 8, 1702. The sloop *Shadow* was

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piratically seized off Hispaniola by a Spanish briganteen, and one Slicam Van Elwalle *alias* Philip Van Vaw Yella took a leading part therein. *Endorsed*, Recd. June 9, 1704. 3 pp.

257. ii. Copy of the condemnation of the French prize, *The St. Lawrence the Victorious*, at a Court of Admiralty in Bermuda, Dec. 28, 1703. The Hon. John Follett, Judge. *Same endorsement*. 6 pp.

257. iii. Account of the French prize, *St. Lawrence the Victorious*, taken by the *Adventure* of Antigua, Oct., 1703. *Same endorsement*. 2 pp.

257. iv. Duplicate of preceding. *Endorsed*, Recd. July 18, 1704. 2 pp.

257. v. Copy of the Trials of several Pirates, held at a Court of Admiralty, Bermuda, Oct. 12, 1703. *Endorsed*, Recd. June 9, 1704. 42½ pp. [*C.O.* 37, 6. Nos. 15, 15.i-v.; and (without enclosures) 38, 6. pp. 13-15.]

April 20. **258.** Order of Queen in Council. Approving Representation
St. James's. of April 4, and ordering the Lt. Gov. of Bermuda to restore Edward Jones etc. accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read May 8, 1704. 1 p. [*C.O.* 37, 6. No. 13; and 38, 5. p. 471.]

April 20. **259.** Order of Queen in Council. Referring the Repre-
St. James's. sentation relating to Mr. Bridger to the Lord High Treasurer to report his opinion. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 27, 1704. 1 p. [*C.O.* 5, 863. No. 91; and 5, 911. p. 239.]

April 20. **260.** Gov. Dudley to the Council of Trade and Plantations.
Boston. *Refers* to letter of March 10. Since which time severall parties that I have in the woods to the head of Connecticut, Merimack and Saco Rivers are returned, they were in all 600 men in four parties and kept the Forrest upon a 3ft. snow in show shoes, carrying their provisions with them for 20 days, but found no Indians, they having early before Christmas gone Eastward as far as Penobscot, but I have thereby given this country as well as the Indians conviction, that we can bear the frost and travell with our victualls as long as they, and the spring being now come, I am preparing about 700 men to range the coast from Casco Bay Fort to St. Croix, the extent of this Government, to keep the Indians from their fishing and planting, to distress them farther against winter, which will demand 20 sloops with provision to attend them, and this is besides 600 men in garrison upon the frontiers in a line from Marlborough to Wells, as your Lordships will see the frontiere to reach in the mapp, which I humbly offer'd your Lordships by the *Centurion*, and as an encouragement to voluntiers in the service the Assembly at their last Session agreed to pay 100*l.* per head for every Indian above ten years old brought in by the voluntiers who march without pay. During the time of the forces being abroad, the

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French and Indians about 200 came from Mount Reall directly over the Lakes, and on Feb. 1 fell in upon a village called Deer Field, our uppermost Settlement upon Connecticut River, which was taken in by a palisado containing about 40 houses, wherein were 70 men inhabitants, and 20 musketeers I had lodged there as a garison, but the watch being neglected the Indians got into their gates, fired severall houses before any alarm, but when they were got to armes they defended themselves tollerably till 60 men from that field [*? Thatfield*], the next village, as I had ordered, came to their releif and beat the enemy out of town, where notwithstanding we lost 20 men and 70 women and children carryed away, but the enemy left 30 men dead behind them, within 24 houres there were 300 men from the lower towns of that River, from Springfield and Hartford, in the village, but for want of snow shoes dare not follow the enemy, this part is from Boston 120 miles, and having no officers, nor regular soldiers for their example, are not so ready and under command as they would be if H.M. would favour those provinces with two or three foot Companies to be disposed in these parts as at New Yorke, where the very being of the soldiers in garison hath secured the Maquas at peace for severall years last past. While this was doing, Brouillon, the Governor of Port Royall, had fitted out a privateer sloop with 40 men to cruise at Cape Codd to look for our Western victuallers to supply his garison, of which I was aware, and had written to the Governor of Connecticut not to suffer them to come round the Cape without a convoy, which I had ordered to receive them at Martha's Vinyard, where they stayed so long that by storm the French privateer was driven on shoare, and I seized the men, who are now prisoners, and may serve to exchange for the people they carryed away, the said prisoners give me account that there are drawn together from Quebeck, Port Royall and our own Indians, 1,000 men, who intend for Piscataqua early in May; I hope to have a force there ready to receive them, but the Settlements in the Province of Mayne are so open and unguarded that it is impossible to save them all from a less number of men, but I shall doe what is in my power, and besides the inhabitants I have 300 men in garison and 100 Indians, which I have lately entertained from Connecticut Colony, and am fitting out 10 sloops with about 600 men to seek their headquarters in their absence. I hope I shall keep the war at a good distance, but their waters and swamps Eastward are so unpassable that it is impossible to root them out. These services by sea and land demand a very great share of the people of this Province, and instead of assistance from Rhoad Island, my next neighbours, I have some hundreds of young fellows, the fittest for the service fled thither, and entertained there, and I have no means to reduce them, but they will double their Province, and give me no assistance of men or money, and in a very short time if the war presses upon me, I shall be able to doe very little, my seamen as well as landmen taking refuge there where they doe no duty nor pay any tax. By the *Centurion* I gave your Lordships account of my obedience to H.M. directions in Mr. Allen's

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affairs at Piscataqua, which he acknowledged to have put the people into a better disposition and just opinion of his title, and nothing shall be wanting on my part to put him into an absolute and quiet possession of the Wast, there is some little misunderstanding between himself and Mr. Usher unhappily fallen, which may prove the greatest obstruction. I have yet no other assistance for the sea but the *Gosper*, which is incapable to doe the services of one of the Provinces much less of both, and if, as we have a rumor here, the French fleet should call, we have nothing to secure us, but they may lye before Boston or New Castle in Piscataqua, and bomb the places where the seat of our Trade is. I humbly acknowledge the receipt of your Lordships' letters of July 29 and Aug. 6, 1703, and thank your Lordships for the farther report of the state of these H.M. Provinces, and hope the comming of a fourth-rate frigot to be added to the *Gosper*, absolutely necessary for the service here. Your Lordships' expectation of the Assemblies obedience to H.M. commands, for the settlement of a salary for the Governor here, must be at an end, if the *Centurion* be well arrived as I hope, where they have given their last peremptory answer to both H.M. gracious commands, referring to Pemaquid and that of a salary. I can sincerely protest to your Lordships I never intended in anything to use more skill nor application privately as well as in the Assembly, to have obtained an obedience in the rebuilding of Pemaquid, but without any successe with men that forget their duty, and the Address that the Representatives privately sent away digested by a secret Committee with their Memorial, which I hoped would never have been seen by your Lordships, Mr. Phips now adviseth me he presented, which I humbly hope your Lordships will please so far to animadvert upon, as to prevent such methods for the future and to doe me the favour to acquitt me, I being perfectly ignorant thereof. I have now a second Commission for Mr. Byfield, Judge of the Admiralty, and he was this day sworn in Councill and not before, and I shall leave nothing undone for H.M. service in the power of that Court. The Indian boy mentioned in that letter will now be useless, the Indians having broken all faith with me, and I should not returne him if he were here. In obedience to the letters of Aug. 6, I have enclosed plans of all the fortifications in these Provinces, and what is needfull for the present workes, which Col. Romer saith was done formerly, or I had not omitted it so long, but they may be mislayed comming over before my arrivall. Besides the cannon I am in great want of small armes, which are daily wasted by my forces abroad, especially the Indians in H.M. service. It would be a great favour, and that which I pray this people may deserve, if I might receive a small quantity, if but 500 small armes for both the Provinces. My Lords, I shall continue with all possible industry and application to serve H.M. here, and pray that it may be acceptable to H.M. and to your Lordships. The hurry of the war in a great measure prevents the inhabitants going upon the turpentine and hemp trade, but I am sensible that if the people here be not put upon

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it, or that H.M. will please to have some ships of war built here for her own service, whereby the people may make returns, the woollen trade from England will sensibly be impaired every year, and great quantities of all sorts of woollen clothes made here to the great hurt of the Kingdom of England, which it is my duty with your Lordships' directions to prevent. *Signed*, Jos. Dudley. Mr. Romer, the Engineer, is at some distance from me. If I cannot get his plans of the fortifications they shall come by the next conveyance. [C.O. 5, 911. pp. 344-352.]

April 21. **261.** Copy of a clause in the Charter of the Massachusetts Bay. *Subscribed*,

261. i. Opinion of the Attorney General thereon: "If there be no other clauses that exclude the power of ye Crown, I am of opinion H.M. may by her prerogative erect a Court of Equity in the said Province as by her Royal authority they are erected in other H.M. Plantations, and it seems to me yt. the General Assembly there cannot by virtue of this clause erect a Court of Equity." *Signed*, Edw. Northey. *Endorsed*, Recd. Read March [? April] 22, 1704. 1 p. [C.O. 5, 863. No. 90; and 5, 911. pp. 222, 223.]

April 21. **262.** Advocate General to the Council of Trade and
DD. Commons. Plantations. The question proposed to me yesterday is determined by a clause in H.M. Declaration of June 1, 1702, that "all prizes taken by any Privateer and brought into Port shall, unless otherwise decreed by the Court of Admiralty, be continued in the possession of the Privateer, having only Custom-house Officers on board to secure H.M. dues." *Signed*, [Sir] J. Cooke. *Endorsed*, Recd. Read April 27, 1704. ¾ p. [C.O. 323, 5. No. 46; and 324, 8. p. 433.]

April 21. **263.** Governor Dudley to [? Mr. Secretary Hedges]. I
Boston. adventure this by Lisbon, having no direct conveyance. *Repeats gist of part of No. 260.* Prays for payment of the money disbursed for raising Capt. Walton, the second Company sent to Jamaica. I am indebted for the ship that transported them, etc. *Signed*, J. Dudley. [C.O. 5, 751. No. 50.]

April 25. **264.** Jeronimy Clifford to the Council of Trade and
London. Plantations. *Desires that* Capt. Nicholas Hallam may be heard relating to his affairs in Surinam. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read April 27, 1704. 1 p. [C.O. 388, 75. No. 88.]

April 25. **265.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* Governor Handasyd's proposal for taking possession of Campeachy and settling a Governor there, to be

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laid before H.M. But whether with regard to the present conjuncture and to the letters that have been writ to the Spanish Governors, and the opening of that trade in concert with the Dutch, it be convenient at this time to make such an attempt, which cannot be done without considerable charge to the Crown, we most humbly submit to H.M. [C.O. 138, 11. p. 264.]

April 25. **266.** Wm. Popple, jr., to Josiah Burchett. The Council of Trade and Plantations enclose a copy of Governor Handasyd's letter, relating to H.M. ships of war, for the information of H.R.H. Council. They have given directions to him that, when anything occurs to him relating to the affairs of the Admiralty, he give a particular and immediate account thereof to the Lord High Admiral or H.R.H. Council. And their Lordships having recd. from Governor Codrington an account of H.R.H. tenths of prizes condemned at Nevis since July 28, 1702, they have also commanded me to send you the inclosed copy to be laid before H.R.H. [C.O. 138, 11. p. 263.]

April 25. **267.** Board of Ordnance to the Queen. Desire to know H.M. pleasure with regard to their proposal for an Engineer for Barbados. [See April 4.] Signed, Granville, Ja. Lowther, C. Musgrave, Wm. Bridges. Endorsed, Recd. Read April 28, 1704. Copy. 1 p. [C.O. 28, 7. No. 30; and 29, 8. p. 430.]

April 25. **268.** Wm. Popple, jr., to Wm. Lowndes. Governor Nicholson having transmitted several Bills, two of which have relation to H.M. Customs [(1) *For preventing frauds in the Customs* and (2) *for improving the staple of tobacco*], the Council of Trade and Plantations desire you to move my Lord High Treasurer, that they may have the opinion of H.M. Commissioners of the Customs thereupon. [C.O. 5, 1360. pp. 467, 468.]

April 25. **269.** Affidavit of James Blair. In support of the Memorial of the Major part of the Council of Virginia against Governor Nicholson. Signed, James Blair. 8½ pp. [C.O. 5, 1314. No. 7.]

April 25. **270.** Affidavit of Robert Beverley, formerly Burgess of Assembly of Virginia. Gives evidence of Governor Nicholson's persecution of him and hectoring the Assembly and of his "penurious way of living and publick treats. He lives in a little low wooden house worse then many overseers have . . . his servants are often stinted to one small dish a day among them. The last General Court his hostess complained that his whole account came to but 13/. Of late he has usually treated the Assembly four times a week except once, and commonly sends drink to several of their chambers," etc., etc. Signed, R. Beverley. 4 large closely written pp. [C.O. 5, 1314. No. 10.]

April 25. **271.** Affidavit of Stephen Fouace. Gives evidence of Governor Nicholson's violent abuse of Col. Jennings, and of

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Major Burwell, his mistress's father, *etc.*, who, he thought, were against his match; and of his abuse of deponent and other clergymen, *etc.* Signed, Stephen Fouace. 4 pp. [C.O. 5, 1314. No. 11.]

April 25. **272.** Affidavit of James Wallace. After preaching before him, Governor Nicholson violently abused him for daring to tell him his duty *etc.*, *etc.* Signed, Ja. Wallace. 1½ large closely written pp. [C.O. 5, 1314. No. 12.]

April 26. **273.** Affidavit of George Luke. He heard Governor Nicholson cursing and swearing in the churchyard immediately after receiving the Sacrament. He violently abused him and caused his wife to be kept in gaol upon a baseless charge of burglary. Signed, G. Luke. 1 p. [C.O. 5, 1314. No. 13.]

[April 26.] **274.** Account of Officers and Sentinells, killed, wounded deserted and taken prisoner at Guardalupa, since our first landing March 12, until May 6, 1703. *Officers*, 18 dead, 18 wounded, 165 living. *Sentinells*, 226 dead, 191 wounded, 59 deserted, 12 prisoners, 2,719 living. Recd. Read April 26, 1704. 1 p. [C.O. 152, 5. No. 67.]

April 27. **275.** Wm. Popple, jr., to Wm. Lowndes. In answer to your Whitehall. letter of 19th inst., the Council of Trade and Plantations doubting whether a clause in the draught of H.M. letter relating to prizes were agreeable to Law *etc.*, have thought fit to consult H.M. Advocate General. They enclose his opinion, and pray my Lord Treasurer's further directions. [C.O. 324, 8. pp. 431, 432.]

April 27. **276.** Wm. Popple, jr., to Wm. Lowndes. *Encloses*, to be laid before the Lord High Treasurer, copies of Governor Handasyd's Accounts of Prizes condemned in Jamaica, May 4, 1702—March 1, 1703, and Col. Codrington's Account of Prizes condemned at Antegoa since the war. [C.O. 138, 11. p. 265.]

April 27. **277.** W. Popple to the Clerk of the Council in Waiting. Whitehall. *Encloses* Col. Codrington's letter of Feb. 6 *etc.* (See April 4, 5.) [C.O. 153, 8. pp. 281, 282.]

April 28. **278.** Affidavit of R. Beverley that the following letters are genuine. *Annexed*,

(a) Wm. Byrd to Philip Ludwell. Virginia, July 6, 1702. *Concerning the sitting of the Assembly etc.*

(b) Robert Carter to Philip Ludwell. March 1, 1703.

(c) Col. John Lightfoot to James Blair. Williamsburgh, Oct. 21, 1703. The Governor abused me for siding with that d—d Scotch Parson, Blair, and said that there is a d—d Scotch conspiracy afoot against him, and that he had not a Counsellor but was a rogue and a coward, *etc.*, *etc.*

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- (d) William Drummond to Capt. Wm. Passinger. Dion Wright, debtor to me, is designed to go to England with you without a pass *etc.* I desire you to deliver him up to justice.
- (e) Wm. Drummond to P. Ludwell. July 6, 1702. Four this year is at open variance with most of the other inferior plannets, *etc.* The breach is wide and still widens. Capt. Passinger having refused to carry Wright out of the country, H.E. said he would pay his debt, which afterwards he refused to do, and commanded Mr. B. Harrison, the King's Attorney, to pick some legal quarrel with me upon the account of my lease, and so to turn me off the land I live on, which as yet they have not been able to do *etc.* *The whole*, 12 pp. [*C.O.* 5, 1314. *No.* 14.]

April 28. **279.** Affidavit of Stephen Fouace, that the following letters are genuine :—(a) Philip Ludwell, jr., to Philip Ludwell, sr. Mr. Fouace had much reason to leave us, but Mr. Wallace, Capt. Moody's Chaplain and Minister at Kiquotan, has more. *Describes* Governor Nicholson's violent language to Moody, putting him on oath in Council and endeavouring to extract evidence against Moody, when there was as yet no complaint against him *etc.* *Narrates* the Governor's violent language and scurrility towards himself. The occasion of his anger was that in October General Court we had a meeting of the Governors of the College, wherein the Governor told us it had been represented in England that his living in the College had been a great discouragement to it, and desired the Governors of the College to declare whether it were so or not. This put us in a dilemma. We must either accuse the Governor to his face or tell a lie. Major Allen made him a great compliment, but we endeavoured to avoid the question and proceeded to other business, so the question was never put by the Rector, nor nothing entered in the Minutes. But I presently found that Major Allen's compliment was entered in the Minutes as a Declaration of the Governors and protested. The Governor summoned me next morning and abused me scurrilously when I refused to give what I had then said under my hand. The Clerk confessed to me that the Governor had called for the Minutes after the meeting and dictated that entry to him. I should [*not*] have wondered so much at this language if I had heard the scandalous nasty reports he spread of me at Kiquotan. He said Mr. Blair's wife and mine were common to us both, and at the same time pretended friendship to my face. The Governor hath been at much charge and pains to get Addresses. He called the Assembly together again contrary to his promise; all means were used to gain the House. The Burgesses were treated very high and closetted one by one, and those days he did not treat, he eat with them at the Ordinary. At last when the Book of Claims was gone to the Council and they thought all was done, several of the factious party (as they are called) were gone about their

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affairs, it was moved that an Address of Thanks should be made to the Governour, which was easily carried. Cary, Corbin and Bland were sent out to draw it, but it was drawn by P. Beverley several days before. The Council would not pass the 10,000*lb.* tobacco the House had voted the Speaker. The Governor in requital of the Address sent a message to the House wherein he acknowledged he had promised and accordingly would support them in that privilege, which made the House stand by their resolve; but the Council being obstinate, the Country party took heart and strengthened their party, so that if it had come to a vote again, they would have carried it in the House, which the Speaker perceiving, he made haste to relinquish his pretensions very generously. But it is said the failing of that point cost the Governor 50*l.* to P. Beverley. At the General Court, when the Grand Jury were to be impanelled, Peter Beverley, Cary and Bland were had there early to be on the Jury, and the Sheriff was told Mr. Beverley was the fittest man in Virginia to be foreman. They had such a charge given them as I never heard before, and, according to their directions, made a very loyal Address and complimented him highly. Next he calls the Clergy and pretends that it had been represented to my Lord Bishop of London that he was not a friend to the Clergy, and desired them to declare whether it were so or not, and because their Address should be more hearty, invites them to breakfast and distributes 20*l.* amongst them. The Address was accepted but when Col. Quarry saw it, it seems he had better eyes than the Governour and found the Address not to be so good as he thought for, wherefore he sent all about Town early in the morning to call all the clergymen that were in Town (except Mr. Blair), and when they came he demanded an explanation of the Address, and those that would not be wheedled, he scared to it, and gave them an Address the Clergy made to him at his first coming to copy by. He then carried it to those that were gone out of Town and got their hands to it at their houses. If they scrupled it, he hectorred them to it. Since that, he hath had several private caballs with some select clergymen, such as Wheatly, Jones, Portlock, partly to make him elogies and part to complain against Mr. Blair. I observe you advise that the Council should petition the Queen for an augmentation of their salary, which I am much against, for (1) they have no reason to expect the Governor will joyn with them in it, unless they will do some very base thing to ingage him to it. (2) If the Councel will be so mean spirited as to let a Governour do all the ill things he pleases in their names, and all the while using them like slaves, not suffering them to have any opinion of their own, and have not the courage to complain when they have no profit to oblige them, what will they do when they fear to lose a profitable place, or what will not others do to gain it? Arbitrary power is grown to a high pitch among us. Laws and liberties openly trampled upon, and all things carryed with high hand to that degree that if any man do but expose any of the creatures for any villany they commit, tho in his own justification, immediately a Proclamation is sent

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out against them, as tho' he were a rebell and traitor, and all persons required to give evidence of whatever they know of him. We have a very notable instance of this lately, betwixt Major Allen and Major Tho. Swan, and it was only for exposing Cary and Wilson that the Governor pickt such an immortal quarrel with Moody, whom he hath used basely beyond expression. At Yorke Court he committed him to custody of Sheriff, and used him very grossly before the people for posting Cary, and when the people were gone, embraced him in his arms and kissed him, ingages him to complain to him of any affronts offered him, upon promise to make the parties give him satisfaction, and by this means gets several letters from Capt. Moody about their quarrels, and then brings them before the Council in judgment.

We have had an election of Burgesses for the ensuing Assembly in which there hath been such preoccupation as I think for [*sic*] promises, threats, spreading scandalous reports among the people of worthy persons, brow-beating at elections, and what not. For instance, the Governor went to Charles City County and railed publicly at Ben. Harrison, wherever he came, casting most scandalous reflections on him, perswading all people from choosing him, promising the sheriffs and clerks places over and over, and some were told in the Governor's name, they had as good be damned as choose him. Having rid all through Charles City from house to house, he went to Surrey and commanded the High Sherrif to inquire as he went about his county and give him an account upon oath what persons spoke any ill things of Major Allen, and at the same time exclaimed bitterly against Nat. Harrison, and so went through the County perswading for Major Allen and dissuading against Nat. Harrison, tho' to little purpose. At Surry Election tho' Major Tho. Swan were chosen unanimously, Major Allen did, in the Governor's name, forbid the Sheriff, at his perill, to return him. In James City County, the Sheriff was told he could not serve two masters, and, if B. Harrison were chosen, he should never expect any favour. And the Rt. Noble Little Col. Jennings was as busy as a bee in Yorke; and tho they could say nothing in praise of Ballard, they spread false reports of other worthy persons among the people, nay, the Col. was very angry with the People for demanding a poll. I could give you many other instances, but time being short I shall close all with poor James City, that hath had the privilege of electing a burgess ever since we have had Assemblies, and that confirmed by a Law now in force, is now refused a writ, upon pretence that the State House being gone from thence, it is not the Metropolis; but the true reason is, he doth not expect a Burgess from thence for his turn. He tells us he will transmit our petition to the Queen, together with the Law, but we claim the privilege by custom long before that Law was made. I hope you and Sir Jeff. Jefferies and Mr. Perry will all appear for the poor town, when it comes before the Council of Trade. By means of these practices, I fear we shall have a very bad Assembly. Pray God deliver us, for great endeavours are used already to gain the Burgesses, and if their House be intirely

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gained, woe be to us. Here will be no living for any but parasites. Opening letters is grown so common that it is hardly accounted a fault. The Governor gave my brother Burwell 2 of his letters he had kept above half a year. We are fully convinced of the good offices the worthy Col. Quarry did us in England by his behaviour here. I have heard gold cleers the sight, but I find a gift blinds the eyes; for tho' the Col. might have seen and heard enough to convince any man, yet he was so free as to tell me that he could not see but that the country in general was very well satisfied with the Governour, and instanced the Addresses, *etc.*

(b) Benjamin Harrison to [?]. Refers to [*Governor Nicholson's*?] opening of correspondence. All men were never made so uneasy in my time, and only because a violent man will have it so, *etc.* July 6, 1702.

(c) P. Ludwell, jr., to Philip Ludwell, sr. March 15, 1703. Reply to objections to the Address of the Assembly being sent not by the Governor's hand. We did not know it was necessary. When the charge of trying the pirates was brought to the Assembly they were unwilling to pay it. But the Governor promised if they would pay it, and Address the King for a sum of money out of the Quit-rents towards building the Capitol, he would joyn with them, and endeavour to obtain a grant, which they did, but he did not send the Address. They had therefore no reason to trust him with one that he endeavoured to prevent, nay he commanded the Clerk of the House in the King's name not to give copies of the Address or Journal to anyone. I observe it was asked Mr. Perry if any force were used by the Governor. It is true there was no force of arms, but there was all the force of hectoring, threatening and ill-language that could be used. It was objected that the Assembly sat and spent 1,800*l.* and gave their Agent 300*l.* to avoid giving 900*l.* I should wonder the Governor was not ashamed to object that, if I did not know that nothing will shame him; for if you convince him of never so great a lie, he does but sneer at it. It was come to that pass, that the Burgesses, understanding if they would not give it, they should be kept there till the charge of their sitting exceeded it, to make them odious to the people, they were so hot they were just going to pass a vote that the Burgesses should serve for nothing the remaining part of that Session, but I suppose the Governor had intelligence what was said, and sent them other business, and it appears by their Journal that it was not their faults. As to the 300*l.* to the Agent, it will be good fish when it is caught. It is true it passed the House, but not the Council, for they thought it too much, tho' I believe everyone will agree the public credit ought to be maintained. It seems it was observed that but 4 of the Council signed. It was passed in full Council, but at last the rest of them were gone out of town. It is thought very hard that the Address of the whole Country should not be so much as looked upon, because they did not like the Messenger.

(d) Benja. Harrison to Philip Ludwell. Virginia, March 16, 1703. Our calamities daily increase *etc.*

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(e) Major Lewis Burwell to Philip Ludwell. Virginia, July 23, 1703. I am daily alarmed with threatening messages of ruine, for what I know not, unless it be because I will not force my daughter to marry utterly against her will, which is a thing no Christian body can do. The other day I received a message that I must ride in one of our troops, and if I refused so to doe, I am to be fetcht out of my house by violence and compelled to ride, altho' I have the Queen's quietus for being one of the Council by reason I am disabled in my limbs.

(f) Philip Ludwell, jr., to Philip Ludwell, sr., Virginia, July 26, 1703. You desire the reasons why Ja. City County had no Court for some time. The Justices did address the Governor the very next day after they found that the only Law that impowered them to try causes was repealed, but could never have any answer, neither would he lay it before the Assembly. The reason why it happened only to that County was that at first it was not known to other Counties, and it happened that very soon after the Governor fell right out with B. H[arrison] (I suppose about the amour) and was resolved to draw an odium on him, at the same time his emissaries perswaded people that tho' the Law was repealed, they had power, and that if they had not, it being a general thing, there was no danger, which opinion most men ran into readily to avoid the inconvenience of wanting Courts, when they saw the Governor would apply no remedy. At last when the people petitioned the House of Burgesses, the Governor managed it so that it was with difficulty they would do so much as give their opinion that the Justices might decide causes of meum and tuum, and then the Court did decide causes : and all the while they never failed to hold Courts duly every month to grant probates etc., and all things belonging to J.P.s except trying causes, and that they would have done, if the Governor and Council would have said they might. So that the whole fault lay at the Governor's door, and to shew you how the People resented it, B.H. was unanimously chosen Burgess the very next election. . . . I could not think Col. Quarry could be so very impudent as to write such damned downright lies as he hath done. I do not believe he spoke with 3 men of any note except the Governor and two of his creatures and Mr. Blair and myself. I hear he is to be here in the fall. I wish he may not embroil this Government as he did that of Carolina. I suppose my brother Burwell tells you how true that part of the Col.'s letter is that the Governor is become so entire a convert, and hath laid aside the amour. He and his creatures have industriously spread abroad, that tho' Lucy would not accept him, she and her friends had taken presents to the value of 500*l*. All the things that she had received were 3½ yards of dirty point lace and a purse containing 8 stone rings and a small seal, which he put into her hand wrapt up in her handkercher, and rid away. She sent them back and he returned them, and we then left them again at his house, whereat the Governor violently abused me, etc.

(g) B. H[arrison] to Philip Ludwell. May 28, 1703. Places are now shifted as often as the occasion requires to put out or in,

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as men will or will not serve a turn. . . I know no better way we had than to imploy men that go out of the country that are witnesses to the truth of our complaints *etc.* Quarry's arrival did but blow the coals that flamed before. He was not sent for England to speak truth, and before he returned he forgot to do it. What could anybody expect from the Country's profest enemy, but to do what mischief he could. There was a great design on foot between him, S^r Thomas Lawrence and somebody else, but I thank God 'tis defeated. There is a little confident fellow gone in the last fleet, a second Denis Wright, who I suppose is to add a second edition to Quarry's romance, but Mr. Wallis is gone likewise, a man of good life and credit. . . . Col. Leigh fell from his horse lately and cracked his scull and is dead. 'Tis said he was drunk at Parson Booker's of the Sabbath Day, and going home happened to that accident.*

(h) Nath. Harrison to Stephen Fouace, July 15, 1702. Describes an interview at which the Governor swore at him "at a most horrible and blasphemous rate," *etc.*

(i) Lewis Burwell to Stephen Fouace. Virginia, July 22, 1702. I purpose for England, for I shall not be able to live here . . . we meckly lay under heavy threats of ruin, *etc.*

(j) Nath. Burwell to Phil. Ludwell. Oct. 13, 1703. The Governor continues to rage against my father, *etc.* *The whole endorsed*, Reed. Read April 28th, 1704. 45 pp. [C.O. 5, 1314. No. 15.]

April 28. **280.** W. Popple, jr., to Mr. Attorney or Mr. Solicitor General. Whitehall. The Council of Trade and Plantations desire your opinion in point of Law upon the Act *for establishing Courts and settling due methods for the administration of Justice in Antigua*, passed there Feb. 8 last. I am further to desire Mr. Attorney General's answer to the letter I writ him March 31. [C.O. 153, 8. p. 283.]

April 28. **281.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. The convoys being shortly to sail for Newfoundland, we send you the draught of such a Commission as has been yearly granted to the Commodore for commanding the Forts and Soldiers during his stay there, as also the draught of a Commission to the Captain of the said soldiers for commanding in chief in the absence of such Commodore, which we pray you to lay before H.M. for her royal signature. *Annexed*,

281. i. Draught of Commission for the Commodore referred to above. [C.O. 195, 3. pp. 301-303.]

April 29. **282.** W. Popple, jr., to Mr. Attorney and Mr. Solicitor General. Whitehall. There being three Bills transmitted from Virginia, [*for the better securing the liberty of the subject ; for limitation of actions ; and for establishing County Courts etc.*], the Council of Trade and Plantations desire your opinion in point of Law with as much speed as may be upon them, the Secretary of Virginia attending

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here on that account. These Bills may be altered in any part thereof as Bills transmitted from Ireland. [C.O. 5, 1360. p. 469.]

May 1.

283. Affidavit of Capt. Moodie. *Directed to prove* the charges against Col. Nicholson of using violent "billingsgate language" to Ministers *etc.*, and of autocratic behaviour towards himself, *etc.* If he was not removed, the best sort of the people would leave the country *etc.* His few supporters are such as he put in place, particularly Col. Will. Wilson, a Naval Officer, who is one of the greatest traders in Virginia, *etc.* Signed, J. Moodie. *Endorsed*, Reed. April 26 and May 1st, Read April 28, 1704. 3 large closely written pp. [C.O. 5, 1314. No. 9.]

May 1.

284. Deposition of Mr. Commissary Blair concerning Governor Nicholson's mal-administration with relation to the Clergy, the College, and himself. [Cf. *Memorial of Council of Virginia*, April 10.]

He abuses that part of the Ecclesiastical Jurisdiction committed to himself and invades that left to the Bishop of London. He gave a licence to — Snead, a man of no estate, to marry an heiress of York County contrary to the consent of her Guardian. He refuses to sign probates for nine or ten months: has not inducted one Minister during his Government; they are thereby kept in precarious circumstances, ready to be turned off at pleasure, which makes the better sort leave the country and the rest obsequious. He convokes the Clergy without taking notice of the Bishop's Commissary, appointing preachers at those convocations, proposes the subject matters thereat and holds separate meetings of the Clergy himself, and gets them to sign papers in the name of the Clergy, requiring of some canonical obedience to himself, and turning out Ministers without process or trial. I have heard him say the clergy were all a pack of scandalous fellows *etc.*, and several of the most noted good characters he abused with the most opprobrious names. Some he has made ride bare-headed by him in the bitter cold and scorching heat, some he has laid violent hands on whilst they were on horseback and pulled off their hat himself, or threatened publicly to tear their gowns over their ears, swearing the most dreadful oaths in their presence, often at the Church door, and and if any preached of any duty he was known to neglect *etc.*, he seldom escaped without threats. The Addresses he obtained by treats and threats *etc.* As to the College. He has not endeavoured to get the Assembly to assist the College in their necessity. He railed against the building, though extraordinary good for that country, and entered a publick protest against it in the College Records. He reflected on the College Accounts, threatened the Governors with a writ of enquiry, declaring solemnly that if they could give no better accounts, he must be of the people's opinion that the College was only a trick to serve some men's particular designs. He put such an affront upon them as to order their accounts to be laid before the Grand Jury, but no fault could be discovered. I have heard him swear

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that he would seize the College for the King's use, and he crowded into it the Secretary's Office *etc.*, to the great disturbance of the College business. As to ye finishing part of it, he did so excessively hurry it on for those several uses, that partly by the timber being unseasoned, and partly by employing unskilful workmen, it was shamefully spoilt. By giving excessive wages, and by several unnecessary additions of his own invention, without the direction of the Governors of the College, they were brought 500*l.* in debt, besides 200*l.* which at first he advanced towards the founding of a scholarship, but spent in finishing the building, yet afterwards made the College repay it every farthing, when he had had the applause of it both in England and Virginia. In order to the ruining of the College Revenue, for about two years they had none of the 1*l.* per pound from Maryland, by his contrivance, *etc.*, so that there was not enough to pay the Masters' salarys. He tried to hound me out of the Country. The occasion he took to fly out into open enmity with me was a pretended jealousy of my brother, as if he had been privately a-courting his Mistress, and swore to be revenged on me. Since then he has frequently threatened and abused me in public, and maliciously calumniated me, accusing me to my Diocesan of whoredom, adultery and incest, whereas I am clear from the least imputation of that nature. Now he denies that he writ any such thing. I have had no salary from the College for two years. He wrought upon a great part of the Clergy to join in a complaint of me to my Lord Bishop of London, for having suspended a Minister for notorious drunkenness and other proved crimes. He tampered with my servants, once tried to break into my room; and once, a fortnight before Christmas, 1702, while I lodged in the College, I heard the Schoolboys about 12 p.m. a driving of great nails to barricade the doors of the Grammar School. I was mightily surprized, for we had banished this custom, and it was quite left off, for some years. I made haste to gett up, and, with the assistance of two servant men, had almost forced open one of the doors, before they sufficiently secured it. But they fired off 3 or 4 pistols, and hurt one of my servants in the eye with the wadds. While I prest forward, some of the boys having a great kindness for me, call'd out "For God's sake, Sr., don't offer to come in, for we have shott; and shall certainly fire at any one that first enters." I began to think there was something more than ordinary in the matter, and desired a Parly with them, thinking to find out upon what account it was that they had provided fire arms, powder and shott, which they had never used to do; but that night they would not discover it: though I confess I had some suspicion of the designs of my malicious neighbour. In the morning, getting all the other Masters together, and calling for workmen to break open the doors, before wee began, wee offer'd them a pardon if they would open of their own accord and tell us the truth, who it was that sett them on, tho' by that time I had seen one of H.E. servants that morning a handing of them in some more powder. Upon this the boys sent out at a window by a ladder, one of the cheif

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Confederates, that knew the whole plott. The short of his story was, that while they had no thoughts of any such thing, the Govr. sent for him and put him upon it, gave them money to buy victuals and drink and candles, and powder and shott, and lent them six of his own pistols. Upon hearing that the Govr. was the author and contriver of this business, we sent the boys to him, leaving to H.E. to determine the time when he would have them dismis'd, for it was then about a week before the usual time. H.E. being out of humour, to the great disappointment of the boys, order'd that they should continue at their books till the usual time, and then be dismis'd. This decision made them very angry, and they said they wondered what he had made all that to do for, when they were not to be dismis'd one day sooner than ordinary for their pains. When we enter'd the School, we found the Gover.'s three pair of pistols, with some swords and other weapons they had provided. It was God's great mercy to me that the boys gave me warning of the shott, and so sav'd me from the danger which I have too much reason to suspect was contriv'd on purpose upon my account, H.E. being then in too bad an humour to do such a thing out of a frolick; besides that the fire-arnes, powder and shott, my lying in the Colledge, and the differences between him and me, wch. at that time were come to some heighth, made ye badness of ye design too, too probable. About 6 weeks later, someone, whom I believe to have been the Governor himself, came to my chamber door and endeavoured to break in, *etc.* Signed, James Blair. Endorsed, Reed. April 26 and May 1st. Read April 28 [*sic*], 1704. 5 large pp. [C.O. 5, 1314. No. 8.]

- May 2. **285.** Council of Trade and Plantations to Sir Charles Hedges. *Enclose* Printed Instructions to privateers and an Additional Instruction to be given to privateers in America by the respective Governours there, upon their receiving H.M. orders from you, it seeming to us necessary that both the said Instructions, as also an authentick copy of Lord Nottingham's letter relating to a Trade with the Spaniards be sent to the Governments undermentioned. The orders to be given to men of war, privateers or letter of marque ships going from England being to be given by H.R.H. the Lord High Admiral, which is all that occurs to us at present for the West India Mail, for which our particular letters will be ready to be sent on Thursday next. *Annexed,*
- 285. i. List of Governors to whom above Instructions *etc.* should be sent. Same as Feb. 18, with addition of Sir William Mathew and Mr. Penn.
 - 285. ii. Printed Copy of Instructions to Privateers. St. James's, June 1, 1702. *Countersigned,* C. Hedges. 7 pp.
 - 285. iii. Additional Instructions to Privateers. St. James's, May 4, 1704. Whereas we in conjunction with our allies the States General are willing to encourage our and their intercourse with such of the Spanish Nation in the West Indies as shall be inclined to acknowledge the title and sovereignty of Charles III, King of Spain,

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with whom we are in friendship and alliance. We therefore direct that from and after June 1, 1704, no injury, violence, spoile or molestation whatsoever shall be done by any of our ships of war, privateers, letters of marque or by any of our Governours, or under their permission or authority, or any other officers of, in or belonging to any of our Isles, Colonies or Plantations in America, upon or within the main land of the Continent, or of the Isles or Plantations belonging to the Spaniards in America, or against any of our subjects or the subjects of the States General, or any of them, their ships, vessels or goods, that shall be found coming to or going from any Port or Place in the Spanish West Indies, *etc.*, anything contained in our Declaration of War or Commissions to the contrary notwithstanding, provided that no goods belonging to the inhabitants of France or its vassals or any others inhabiting within the Dominions and Territories of that Crown, nor any contraband goods or provisions of war be permitted to be carried to any Spanish Plantations in any ship whatsoever *etc.*; provided also that this Instruction be so understood as that it may still be lawful for any of our men of war *etc.* to attack and seize any Spanish ship, according to the intent of our former Instructions. *Countersigned*, Ch. Hedges. [C.O. 324, 8. pp. 434-439.]

May 2. **286.** J. Bridger and others to the Council of Trade and Plantations. *Proposes* to supply H.M. with 15,000 barrels of pitch and tar in five years from Dec. 1705, tar at 36s. per barrel, and pitch at 23s. per *cut*. The tar barrels to guage 30 gallons and to be delivered at Deptford *etc.* *Signed*, J. Bridger. *Endorsed*, Recd. Read May 2, 1704. 1 p. [C.O. 5, 863. No. 92; and 5, 911. p. 240.]

May 2. **287.** J. Bridger and others to the Council of Trade and Plantations. On condition H.M. grant them (who have been the first producers of pottash in America) a patent giving them the sole right and advantage arising thereby for 7 years, then they will furnish England with the tar and pitch *referred to above*. *Signed*, J. Bridger. *Endorsed*, Recd. Read May 4, 1704. 1 p. [C.O. 5, 863. No. 93; and 5, 911. pp. 273, 274.]

May 2. **288.** Council of Trade and Plantations to Sir Charles Hedges, Whitehall. H.M. Principal Secretary of State. We desire you to lay before H.M. the additional Instruction for New Jersey, as likewise that for settling Ports in Maryland, and the warrants for using new Seals in the Plantations; that if possible, they may be sent to Col. Nott, who only waits now for a fair wind, after which there will be no other opportunity of conveyance for many months. And that we may be enabled to answer your letter

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of April 21, we desire you will send us all the papers which you received from us, relating to Mr. Raworth, and the Canary merchants. [*C.O.* 5, 994.A. p. 202.]

May 3.
Admiralty
Office.

289. J. Burchett to Mr. Popple. H.M.S. *Coventry* at Portsmouth, Capt. Lawrence, wch. is bound to Newfoundland, and is the last ship that goes thither this summer, being now ready to proceed, I am commanded by the Prince to acquaint you therewith, that so if the Council of Trade and Plantations have any heads of enquirys to send by her, you will please to hasten them hither. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 5, 1704. *Addressed*. 1 p. [*C.O.* 195, 3. No. 17; and 195, 3. p. 324.]

May 4.
Whitehall.

290. W. Popple, jr., to Lt. Gov. Bennett. The Council of Trade and Plantations observing that the Commissions you have granted to privateers being [*sic*] of too large an extent and otherwise irregular, enclose copy of the Commissions granted here in England, which is to serve as a form for those you shall grant hereafter; the form of the Instructions will be sent you by Mr. Secretary Hedges. *Encloses letters from Lord Nottingham relating to Prizes and the Spaniards.* [*C.O.* 38, 5. p. 470.]

May 4.
Whitehall.

291. Circular letter from Sir Charles Hedges to the several Governors of the Plantations. *Encloses* copies of Lord Nottingham's letter relating to trade with the Spaniards, and an Additional Instruction for Privateers. [*See No.* 285.] "The Earl of Nottingham having resigned the Seals of Secretary of State to H.M., and H.M. having been pleased to appoint me to take care of the Plantation affairs, it is requisite that I should give you notice of it, by this conveyance, that you may for the future direct to me such letters as relate to H.M. service, and I desire you will acquaint me, by all opportunities, of such things as occur in your parts." *Signed*, C. Hedges. *Annexed*,

291. i. ii. Instructions referred to in preceding. [*C.O.* 324, 30. pp. 1-5.]

May 4.
Whitehall.

292. W. Popple, jr., to Josiah Burchet. Enclosing following to be submitted to the Lord High Admiral to be given in charge to the Commodore of the Newfoundland Squadron for answers, etc. *Annexed*,

292. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland. [*See Cal. A. and W.I.*, 1700. No. 198.i.] *Additional Instructions* :—Whereas it appears [*from former answers to the above Enquiries*] that the Inhabitants in general have not a due regard to the several regulations for the more advantageous manangement of the Fishery, it being found that northwards of St. John's as far as Carboniere, and to the Southward as far as Ferryland, the trees are rinded and the woods destroyed as much

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as before the late Act ; that the Admirals of Harbours and Masters of ships do not exactly observe the rules prescribed by Act of Parliament ; that the vessells from New England supply the people of Newfoundland with provisions ; that the New England Traders seldome depart the country till the men of war are first sailed, and then they carry with them numbers of handicraftsmen, seamen and fishermen whom they entice thither in expectation of great wages ; that the Masters of ships are very negligent in bringing their men home, whereby they save the charge of their passage, and those men so left are enticed and carryed to New England ; that European commodities have been carryed directly from France, Spain and Portugal to Newfoundland in English ships contrary to law, and sold or truckt with the Traders from New England for tobacco, sugar and other of the enumerated commodities, and carryed to foreign parts, so that at the latter end of the years the Masters have been wholly taken up in the management of that illegal trade, which might in some measure be prevented, had the officers commanding H.M. ships power like that of a Custome House Officer to seize such goods ; you are therefore upon your arrival in those parts to take care as far as in you lyes, that the best remedies be applyed for the prevention of those mischeifs and to report your opinion thereupon, in order to further consideration and to the preparing of such clauses to be proposed at the next Sessions of Parliament as may be requisite for the more effectual regulating that trade. And whereas in order to the better security of St. John's Harbour, H.M. has given directions to John Roop for the preparing and fixing a boom, which is to be done with all publick diligence, you are to inspect the carrying on of that work, if not already finished, and to assist therein, as far as the other service committed to your care will permit. It having been represented to H.M. by severall Merchants, that Trinity Bay being but three miles overland from Placentia, the cheif Fort of the French, from whence they have been frequently insulted, and it being desired by them that, for the prevention of the like mischeif for the future and the better security of the fishing of that Bay, a fort be built there in some proper place furnished with 20 or 30 guns, and that 40 or 50 soldiers be also sent thither with Officers, armes, ammunition, *etc.* ; and they add, that Carboniere, a considerable fishing place in Conception Bay, being also in danger of insults from the French, it may be necessary that it be in like manner fortified, alledging that the same may be done at a small charge ; but it not sufficiently appearing by their Memorials, in what places the said forts may be erected, so as to be a security

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to the said Harbours from attacks by sea, and to the Settlements from attacks by land, you are to view those places and to report to one of H.M. Principal Secretaries of State, and to the Council of Trade and Plantations, how the same are fitted for such fortifications, and what may be the charge of erecting them. [*C.O.* 195, 3. *pp.* 303-323.]

May 4.
Whitehall.

293. Council of Trade and Plantations to Governor Handasyd. Since our letter of March 17 we have received yours of Feb. 6 and March 5. We are glad to perceive you have been so successfull against the enemy by taking so many privateers. We have laid what you write concerning the ships of warr before H.R.H. the Lord High Admiral, but must advise you that in all matters relating to the Admiralty you make your application for the future immediately and fully to H.R.H., sending us copies thereof, for our information. We have sent your proposal for settling a Governor in the Bay of Campeachy to a Secretary of State, but we cannot foresee that it will be approved of in the present conjuncture, as you will judge by the Earl of Nottingham's letter sent you in ours of March 17. As to your desire of directions about dissolving the Assembly, we writ you, Feb. 16, that we could not give any at this distance, but must leave it to you, who being upon the place can best judge what will be most for H.M. service on this and all other the like occasions. We observe by the accounts of the Revenue formerly sent us and those now received with your last letter that there are yet wanting the accounts for a year and a half, *viz.* from March 25, 1700, to Sept. 29, 1701, which we therefore desire you to send us by the first opportunity, and to be very constant for the future in sending us all the necessary information and papers for H.M. service. We cannot conclude without observing to you that we find your letter to the Spanish Governor printed in the publick newspapers, as also several other things which are word for word the same as what you have writ to us; and upon enquiry it appears you have writ the same to private persons here in town and sent them copies of the same papers as to us, which you ought not to do, and therefore we desire you to be more reserved in matters of that nature for the future. *P.S.*—The account of Prizes you sent us, we have laid before the Lord High Treasurer. [*C.O.* 138, 11. *pp.* 265-267.]

May 4.
Whitehall.

294. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations being prest for their dispatch upon severall Virginia Laws, in order to the making a compleat collection to be laid before H.M. before the return of the Secretary of Virginia, who is come over for that purpose, desire your speedy report upon those sent you May 28. [*C.O.* 5, 1360. *p.* 470.]

May 4.
Jamaica.

295. Governor Handasyd to the Council of Trade and Plantations. Finding that the packet boat does not arrive so soon as I expected, I take this opportunity by the *Jamaica* gally

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to give your Lordships an account of what hes offered here since my last. Having ane account of some design the enemy had in draweing some of there forces together and fearing it might be upon us, I ordered H.M.S. *Seahorse*, Capt. Johns, who then was ready to saile, to goe to the Spanish Coast and there to endeavour to take off a prisoner or turtler, if they could meet any at sea, to see what we could learn of the enemies motion. He sailed March 14, but discovering a sail nine leagues off our Island, he gave her chace and found her to be a French privatier with 70 odd men. He came up with her and gave her some gunns, but She finding he was to hard for her made towards the land, and it proving calm, rowed away from him and gott into Manchioneel Harbour, where he pershewed (*pursued*), and accordingly resolved to board her. But the other having landed some of their men in each side of the Harbour ga(l)led his men that they were not able to handle their sailes, and killed and wounded several of them. H.M.S. *Seahorse* struck upon a rock and so was lost, altho' the privatier was taken, and the men being 77 with their armes being landed endeavouring to fight their way through the country to gett to some Harbour to gett off, but I having timely notice of it ordered two Companies of H.M. forces with all the Militia I could gett, and having given them orders that if they did offer to strike one stroke to take nor give noe quarters, and there advance partys meeting one another in a strait passage they being demanded to surrender and delyver up their arms otherwise that was to be there fait, but they, after some French Gascoin language, laid down their arms without firing a shott, and is now here in prison, they are a party of the briskest men that I have seen among them since I came to this country, they being all French but two, the one a Spaniard and the other a Englishman. I am disposing them two or three in the Merchant ships as they have occasion with orders to delyver them unto H.M. jales when they arrive, which I hope your Lordships will approve of. All the *Sea Horse's* men were saved and gunns and most part of her rigging, provisions and stores and ammunition, and truly the loss was not great, for she would not have been able to have made another cruize, she was so destroyed by the worms and her timber so rotten and decayed that she could hardly flot upon the water. As to our enemys making of a general attack on us, I am of opinion as formerly that they are not able in these parts. But if they should, your Lordships shall hear that we shall showe ourselves to be faithfull subjects to our gracious Queen and country, and like true English men not to be dantned with their numbers. The Assembly is now sitting, and I hope they will prove better then the last, they seeming to be sensible of the failings the last committed. *Signed*, Tho. Handasyd. *Endorsed*, Recd. June 13, Read July 18, 1704. *Addressed. Holograph. 1½ pp.* [C.O. 137, 6. No. 45; and 138, 11. pp. 295-298.]

May 4.
Whitehall.

296. Council of Trade and Plantations to Governor Codrington. Since ours of Feb. 16 last, we have received yours

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of Feb. 6 and 14, and one without date. As to the affair of Guadaloupe, Capt. Walker having been ordered to answer your questions before the Lords of the Privy Council, we did send to their Lordships all the letters and other papers we received from you, relating to that expedition, in order to the making good your allegations. As to what you write about Col. Thomas's giving us information of the state of the Islands, when he was before us, we asked him severall questions which he did not own himself instructed to answer. We have read the Act you have sent us for the settling of Courts at Antegoa, which seems to us to have been well considered, and the obtaining thereof a good service in you. We have sent the same to Mr. Attor. and Mr. Sollr. Genll. If they have no objection thereunto, which we do not foresee, we shall lay it before H.M. for her royal confirmation. We hope you will have been able to get the like Acts past in the other Islands. We are glad the Assembly go on with the fortification of Monks Hill, and hope they will perfect it; but they are mistaken in beleiving that Barbadoes is trusted with the application of the $4\frac{1}{2}$ per cent. otherwise than they are, that Revenue being now wholly applied to the use of those Islands in due proportion. The account of prizes taken and condemned at Antegoa, we sent to my Lord High Treasurer, and the account of H.R.H. tenths of prizes condemned at Nevis to the Admiralty, to which Offices those matters appertain. We have not failed upon all occasions to recommend you to H.M., and as to your arrears of salary, we have acquainted Mr. Cary with what you write, and shall be assistant to him or any other of your friends in procuring the same. [*C.O.* 153, 8. *pp.* 284-286.]

May 4.
Whitehall.

297. Council of Trade and Plantations to Governor Sir B. Granville. Since ours of March 17, we have received two letters from you of Jan. 12 and Feb. 6. We sent to the Board of Ordnance what you writ us relating to Mr. Hayes, but we are informed they have appointed one of the Engineers now at Jamaica for the service of Barbados. You will do well to give H.R.H. Council from time to time an account of his dues in your hands. As to the payment of the Gunners, orders have some time since been given, which we doubt not have before this been received. We have sent to Mr. Attorney General your query about the Commission for the tryal of pirates, and as soon as we shall receive his answer thereunto, we shall send you the same, or represent to H.M. that a new Commission be issued, if it be necessary. We send you here inclosed the copy of Mr. Attorney General's opinion upon the case of Manasses Gilligan for your information. But you will have seen by Lord Nottingham's letter (inclosed March 17) how you are to govern yourself in this conjuncture with relation to the Spaniards. The Agents of Barbados having presented to us the inclosed list of stores wanting for the Island of Barbados, we reported the same to H.M., whereupon H.M. has been pleased to refer the same to the Lord High Treasurer, who is to consider how far the said

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list may be complied with in relation to the present state of the Revenue of the 4½ per cent., which is intirely appropriated to the use for which it was raised. And whereas you represent to us the difficulties you lie under by reason of the late regulation against presents, and being very sensible of your diligence and application to H.M. service, we shall lay hold of all occasions of testifying how truly we are your very loving Friends. *P.S.*—Inclosed is a letter H.M. has ordered us to write to the late President and Council of Barbados, which you will read for your information and deliver unto them. [*C.O.* 29, 8. pp. 431–433.]

May 4. **298.** Mr. Thrale's Answer to the Complaints exhibited against Governor Nicholson by Dr. Blair and others. The charges are mostly too general to be answered, or malicious insinuations without proof *etc.* It is humbly submitted to the Council of Trade and Plantations whether they will proceed immediately upon a hearing with an expectation only of such proofs as the Respondent may be judged capable of producing from the nature of the defence, or will order copies of everything to be first transmitted to Virginia that the Governor may thereupon by affidavits or otherways make his just defence *etc.* Signed, John Thrale. *Endorsed*, Recd. Read May 4, 1704. 11 pp. [*C.O.* 5, 1314. No. 16.]

May 4. **299.** Order of Queen in Council. It being this day represented to H.M. at the Board from a Committee of Council upon hearing the complaints of Col. Codrington relating to the expedition to the West Indies the last year with the squadron of H.M. ships commanded by Capt. Walker, that the Lords of the Committee had taken notice that notwithstanding the said squadron had been sent to Barbados with order upon advising with the Governor to use his best endeavour to defend Barbados and the Leeward Islands against the attempts of the enemy, and that upon his arriving with the squadron at Barbados, he had applyed himselfe to the President and Council in whom the cheif command was then vested, that notice of the said squadron being there might be sent to Col. Codrington, Governor of the Leeward Islands, to the end that if he had wanted the assistance of the said squadron for H.M. service he might have acquainted the said Capt. Walker therewith. Notice thereof was not sent to Col. Codrington; H.M. in Council is thereupon pleased to order that the Governor or Comimander in Cheif of Barbados examine into the proceedings of the said President and Council of Barbados in this matter, and why with so little regard to H.M. service in the safety of those Islands, notice was not forthwith sent to the Governour of the Leeward Islands of the arrivall of the said squadron at Barbados, and what he finds to be the reason of so great neglect of H.M. service and the publick safety of those Islands, and that he returne an account thereof to the Council of Trade and Plantations, who are to signifie H.M. pleasure herein to the Governor or Commander

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in Cheif of Barbados for the time being, and upon receiving his answer to report the same together with their opinion upon the whole matter to H.M. at this Board. *Signed*, John Povey. *Endorsed*, Reed. Read May 4, 1704. 1½ pp. [C.O. 28, 7. No. 31; and 29, 8. pp. 434-436.]

May 4.
Whitehall.

300. Council of Trade and Plantations to Governor Sir B. Granville. The Lords of the Privy Councill having examined the proceedings of the late Commodore Walker, and the Commanders of the ships under his command, and of the land forces employed upon Guadaloupe, and taking particuler notice that the said squadron and land forces sent to the West Indies, as well for the security of Barbados as of the neighbouring Islands, and others belonging to H.M., did remain for the space of two months at Barbados, during which time no notice was given of their being in those parts to Governor Codrington, which was altogether necessary in regard that the said squadron and forces might have been sooner wanted at the Leeward Islands, in case the French had made any attack or had any number of ships there, against whom an advantage might have been taken. And the said Commodore Walker having informed the Lords of the Councill that no such notice had been given by him, by reason that he had no vessell under his command other than 70 gunn ships, but that he had acquainted the then President and Councill of Barbados how fit and proper it was that an early information should be given to the Leeward Islands of the arrivall of the said squadron and land forces, but that they had refused to hire a vessell on purpose or to employ the sloop belonging to the Island on this occasion; and a report having been made hereof to the Queen in Councill, H.M. taking the same into consideration has thought fit to signify her pleasure unto us that you be directed to make a full and strict enquiry into this miscarriage and neglect; and after due examination had to inform us of the true state thereof that we may thereupon lay the same before H.M. We do therefore hereby desire you to proceed herein with all convenient speed, and to take the best care you can that no such default or neglect do happen for the future under your government. [C.O. 29, 8. pp. 437-439.]

May 4.

301. Mr. Thurston to Mr. Popple. The departure of the convoy is just at hand: I desire you will therefore move the Council of Trade and Plantations to signify to Mr. Lowndes the necessity of giving some speedy orders for the issue of the money for the soldiers at Newfoundland, this being the last conveyance for the present year. *Signed*, J. Thurston. *Endorsed*, Reed. Read May 5, 1704. 1½ pp. [C.O. 194, 3. No. 19.]

May 5.
Whitehall.

302. Wm. Popple, jr., to Mr. Lownds. I am to desire you to lay [the preceding] before my Lord High Treasurer. [C.O. 195, 3. p. 327.]

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303. Mr. Thurston to Mr. Popple. Prays that the Lord High Admiral may be moved to direct the Commander of the Newfoundland Convoy to receive on board the stores for the soldiers there. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 5, 1704. 1 p. [C.O. 194, 3. No. 18.]

May 5.
Whitehall.

304. W. Popple, jr., to Josiah Burchett. The Council of Trade and Plantations desire you would move H.R.H. Council for their directions to the Commander of the Newfoundland Convoy to receive on board the stores for the soldiers there, and to the Victuallers of the Navy to ship off the provisions designed for them, as also either to pay Mr. Thurston, the Agent, or send themselves the money that is to serve instead of malt and hops. [C.O. 195, 3. pp. 325, 326.]

May 5.
Whitehall.

305. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations desire your opinion whether H.M. may grant such a patent as desired *by Mr. Bridger*, May 2. [C.O. 5, 911. p. 274.]

[May 6.]

306. Planters and Merchants trading to Barbados to the Queen. There is about 60 ships gone to load there, which will be coming thence the latter end of June. Without convoy they will be in great danger to be taken by the French privateers at Martinico and St. Christophers, as well as upon the coast when they come home. Without some ships of war to cruize to win[d]ward of Barbados during the warr, the merchants ships, which carry provision and necessaries thither both from England, Ireland and the Northern Colonies, will be in danger to be taken by the said privateers, and if it should fall out to be soe, the inhabitants would be unable to subsist. Pray for convoy and ships to cruize off Barbadoes. 24 *signatures*. *Endorsed*, R. May 6. 1 p. [C.O. 28, 38. No. 22.]

May 7.
Plymouth.

307. Governor Sir W. Mathew to the Council of Trade and Plantations. The fleet bound for the West Indies is put back to this place. The master of a Swedish vessel gives an account that Count de Thoulouze is come out of Brest with two and twenty sail, and that hee met with 8 French men of war of 60 guns as he passed by Belle Isle steering to the Eastward. *Recommends* the speedy filling up of Col. Whetham's regiment. *Signed*, Will. Mathew. *Endorsed*, Recd. Read May 10, 1704. *Holograph*. 1 p. [C.O. 152, 5. No. 68.]

May 7.
Whitehall.

308. Sir Charles Hedges to the Council of Trade and Plantations. The Lords of the Committee of Council desire to speak with you on Thursday, and to have an account of what progress you have made towards the procuring of Navall Stores *etc.* *Signed*, C. Hedges. *Endorsed*, Recd. Read May 8. 1 p. [C.O. 5 863. No. 94; and 5, 911. p. 275.]

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May 10. **309.** Council of Trade and Plantations to the Queen. Offer
Whitehall. two Acts of Nevis [see April 5] to be confirmed. [C.O. 153, 8.
p. 288.]

May 10. **310.** Lord High Treasurer to the Queen. Referring (upon
Treasury the Order of Council, Nov. 25) to following report. *Signed*,
Chambers, Godelphin. *Endorsed*, Recd. Read May 19, 1704. $\frac{3}{4}$ p.
Whitehall. *Enclosed*,

310. i. Principal Officers of the Mint to the Lord High
Treasurer. We concur with the Representation of the
Council of Trade and Plantations and enclose table
of the value of coins in the Plantations according to
their weight and the assays lately made of them in
the Mint. *Signed*, J. Stanley, Is. Newton, Jno. Ellis.
Mint Office, Dec. 9, 1703. *Subscribed*, Table of coins,
embodied in Proclamation of June 15. 2 pp. [C.O. 323,
5. Nos. 47, 48; and 324, 8. pp. 440-444.]

May 11. **311.** Order of Queen in Council. Confirming two Acts of
St. James's. Nevis [see April 5]. *Signed*, John Povey. *Endorsed*, Recd.
Read June 14, 1704. 1 p. [C.O. 152, 5. No. 69; and 153,
8. pp. 315, 316.]

May 11. **312.** Council of Trade and Plantations to Col. Quary. We
Whitehall. have received your letter of Dec. 20 last, relating to the Jerseys,
and are sensible of the great care you have taken in that affair,
concerning which we are expecting an account from the
Lord Cornbury, and shall thereupon propose to H.M. what may
be fittest to be done for the quieting and settling of that
Province. We take likewise this occasion to acquaint you that
Mr. Penn having severall times attended us and assured us that he
had given direction to his Deputy Governour and others any
ways concerned in the Government of Pennsylvania, that they
take care that the Officers of the Customes and Admiralty meet
with no obstructions in the execution of their places, that the
Acts of Trade and Navigation be strictly observed, and that
justice be everywhere administred; upon which we will not
doubt but that on your part you will do everything that may
tend to the composing of differences, avoiding unnecessary
disputes, and quieting the mindes of H.M. subjects in that Province,
care being always had of H.M. Revenue, legal trade, and the
administration of Justice in the proper method, as is promised
on the other part by Mr. Penn. [C.O. 5, 1291. pp. 31, 32.]

[May 11.] **313.** Jeronimy Clifford to the Council of Trade and
Plantations. Petitioner has now been arrested for debt. Prays
that a report may be made on his case [Feb. 10] without further
delays. *Signed*, Jer. Clifford. *Endorsed*, Recd. 12th, Read
May 23, 1704. $3\frac{1}{2}$ pp. *Enclosed*,

313. i. A statement of the dispute between Jeronimy Clifford
and the Dutch West India Company. 22 pp.
[C.O. 388, 75. Nos. 89, 89.i.; and (without enclosure)
389, 36. pp. 180-186.]

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May 13.

314. Mr. Bridger to Mr. Popple. The freight of hemp from Russia is 7*l.* per tun; tar from New England 6*l.* per tun now, in peace 4*l.*, but there having been yet no hemp imported from New England cannot tell the freight,—believe 8*l.* 5*s.* *Signed*, J. Bridger. *Endorsed*, Recd. Read May 15, 1704. *Addressed*. 1 p. [*C.O.* 5, 863. No. 95; and 5, 911. p. 289.]

May 13.

St. John's,
Newfoundland.

315. Capt. Lloyd to the Council of Trade and Plantations. *Encloses* account of proceedings since last fall; noe soldier has deserted since I had the honour to command this company. *Signed*, Tho. Lloyd. *P.S.*—Yesterday came in ye *Woollege* man of warr from Lisborne, the men of warr expected from England are not yet arrived. *Endorsed*, Recd. 3rd, Read July 6, 1704. 1½ pp. [*C.O.* 194, 3. Nos. 22, 22.i.] *Enclosed*,

315. i. (a) Deposition of John Jordan, John Knight, and Phillip Morriss, sent as spies to Placentia. Nov., 1703. There are there two little watch-houses about 100 yds. from each other, and about ye same distance from the upper Fort, the wch. Fort seems to be about 16*ft.* x 8*ft.*, built with lime and stone. There were 2 merchantmen in the harbour. Returning by Ferryland, on the 12th, they were there informed that a small party of French had surprized and plundered some of the adjacent places, and that a party of 16 English had gone in quest of them.

(b) Deposition of Wm. Roberts and Tho. Dibble, inhabitants of Renous, taken in St. John's, Dec. 2, 1703. Deponents brought with them 3 prisoners. *Their capture described.*

(c) Deposition of Jon. Robins, inhabitant in Renous. On June 21, 1703, he was taken thence by the *Sieur Dutilly* and his brother and one Indian, and carried to Placentia. A little time after 24 soldiers designing to desert, were discovered, for wch. 2 were whipt, one sent to France to the gallies, 9 kept in prison, and the rest set at liberty. To prevent desertions they set a guard at ye upper end of ye harbour. Ye chain cross ye harbour's mouth broke last July. When the English Fleet under Adm. Graydon appeared before Placentia, the French had about 3,000 men there, including the crews of 2 men of warr that were then there, and reported to have 1,000 men wth. bombs, *etc.* The walls of the Fort are about 16*ft.* high and 8 in breadth, built with lime and stones. They never kept above 4 days' provisions there, and have no water but what they fetch about a musquett shott N.W. from it. Their Store-house is in ye lower fort, wch. towards the land is fortified with pallisadoes, wth. loose stone breast high on one side and knee high on the other. The upper Fort hath 10 guns mounted, 7 of ye greatest being planted toward the sea, and 2 large mortars. He left about Oct. 28, and had large offers made him by the Governor M. Supercasse to stay.

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(d) Copy of a Commission found on Sieur Dutilly, one of the prisoners brought by Wm. Roberts, to take 30 men and attack the English Nov. 5, 1702. *Signed*, De Costebelle.

(e) Deposition of Jervis Smith. On Dec. 2, 1703, he went as a spy from Blew Chaple in Trinity Bay, and saw two ships and a small barque at Placentia.

(f) Deposition of Jno. Jordan, Edward Row, and Phillip Morris. They left St. John's, Dec. 10, 1703, but by reason of deep snow could not gett Placentia till Jan. 10. They could see neither chain nor boom nor any ship in the harbour.

(g) Feb. 28, 1704. I ordered Jervis Smith to persuade the French prisoners that he would carry a letter for them to Placentia. *Signed*, Tho. Lloyd.

(h) Copy of above letter from the French prisoners Dutilly and La Richardierne, to M. Bellefeviell at Placentia. *French*.

(i) Copy of letter from the French prisoners, Dutilly, La Richardierne and Jean Lanveaux to M. Subercasse at Placentia, praying him to procure their release. March 23, 1704. *French*.

(j) Examination of above 3 prisoners, March 23, 1704. The Sieur Dutilly, chief of a party of 30 men, sometime in Nov. 1702, ravaged several places in and near Trinity Bay, tormenting those that he took prisoners by burning their fingers with match. *Evidence of Edwd. Rottway* :—Refusing to discover where the best effects of the inhabitants were hidden, his fingers were burnt to the bone, and was threatened to be scalped (which was practised by the French in the last war). He saw 3 men more with marks of the same usage. Dutilly owned that the torment was given, but without his knowledge ; said that he was not then in Trinity, and his brother Richardieur said the same, and that he (R.) cut Rottway loose as soon as he heard of it and ye fellow yt. did it was punished with 2 months imprisonment. But J. Lan[*e*]eaux saith they were both in the same house when Rottway was tormented, and those that did it were never punished etc.

Dutilly was then told, that since he had been so barbarous, he must expect the same usage unless he did confess something material. He then said that the chain athwart the harbour of Placentia was broken by the tide when Admiral Graydon was before the place, but there were 2 cables of 14*in*. each in circumference which broke not, and they had a flyboat laden with stones which they intended to sink, if there had been an attack. The said vessel was now gone for Europe. There had been 2 ships of war at Port Royal and Placentia wth. stores for the garrison and had landed two companies of soldiers at the latter, so that now there are 5 companies at Placentia.

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Last Spring there came over more masons and stone from France, so yt. now there are 40 masons at work continually on ye fortifications. The stores were in the lower Fort. There was once a design on foot of invading the Bay of Conception, but that was now over. John Lanveaux added that the Governor of Placentia had given out that he would early this spring send to Cannada for more forces. Dutilly added that they had lately discovered a passage for canoes, with little land carriage, into ye South Sea, unto a place wch. they call New Missasippy, yt. is about 1,000 leagues from Quebeque, that they pass through several fine places and countrys wch. are very fruitful with all sorts of European fruits, and many silkworms *etc.* In one place, which beginneth about 200 leagues before they come to sea, they goe in their cannoos for 10 dayes together through a river so still that they can hardly perceive any current; on the banks there are vines and several European fruits, and the land thereabouts is one continued meadow stocked with black cattle of extraordinary bigness, as oxen to weigh 12 *cwt.* each, and good horses, sheep, goats, hogs, *etc.* They were not far from the Spanish gold mines. They pass through several nations of Indians, who are very friendly to ye Europeans, and yt. they have several notions and rites of ye old Testament, wch. they have from their Ancestors by tradition.

(k) Deposition of John Knight and Stephen Dethick, who went as spies to Placentia, March, 1704. There were 3 merchant ships there. *The whole*, 10 pp. [C.O. 194, 3. Nos. 22, 22.i.; and (without enclosure) 195, 3. p. 333.]

May 13.
St. Kitts.

316. Governor Codrington to Mr. Popple. I was in hopes when I came from Nevis I should have dispatched all the publick busyness in this Island in a month, but I have been now here these three months labouring without intermission to gett a few necessary Acts past, and to keep the Courts open. The Acts have been finished (all but one, which was the most difficult point to gaine) these 3 weeks, but I can't get them transcribed to be sent home by this fleet. They will be ready, I hope, before the packet arrives. Upon this occasion as well as many others which happen every day, I find the absolute necessity of having a Marescal and Secretary for every Island, the Deputys' places are so little worth, that none but scoundrills will accept them, and to threaten to turn them out is a jest, for 'tis very hard to find any person at all to officiate, since they can gett as much or more with less attendance by being overseers or book-keepers. I shall lay this and a few other observations before the Lords after my successor's arrival, which I now expect every minute, I will endeavour to come home this year if I can, if not early in the spring. I thank God I have perfectly recovered my limbs

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and strength and will serve the Queen somewhere or other during the warr, thō it be with a muskett on my sholder. *Signed*, Chr. Codrington. *P.S.*—I have made Mr. Broderic Attorney Genll., who I doubt not will be very serviceable here. *Endorsed*, Recd. 21st, Read June 23, 1704. *Addressed. Sealed. Postmark.* 1 p. [*C.O.* 152, 5. No. 70; and 153, 8. pp. 320, 321.]

[May 15.] **317.** L. Compere to the Council of Trade and Plantations. Prays to be allowed benefit of Council when next he attends the Board concerning the Acts of Jamaica, lately passed to his prejudice. *Signed*, Leonard Compere. *Endorsed*, Recd. Read May 15, 1704. $\frac{3}{4}$ p. [*C.O.* 137, 6. No. 46.]

May 15.
Tower,
London.

318. Wm. Bridges to Wm. Popple. In reply to your letter of May 2, enquiring what progress has been made in procuring the stores of warr desired for Barbadoes, you may please to acquaint the Council of Trade and Plantations that the Board of Ordnance informed the Lord High Treasurer in March last that the stores required could be sent at once, except some carriages. But there is yet noe order. *Signed*, Wm. Bridges. *Endorsed*, Recd. Read May 15, 1704. *Addressed.* 1 p. [*C.O.* 28, 7. No. 32.]

May 16.
Whitehall.

319. W. Popple, jr., to Mr. Attorney General. Upon the petition of Peter van Belle [*see* March 9], the Council of Trade and Plantations desire your opinion whether H.M. may hear the Appeal mentioned in the said petition in Council and direct the proceedings of the Admiralty Court at Nevis to be transmitted for that purpose. [*C.O.* 153, 8. p. 305.]

May 16.

320. Attorney General's Queries on Mr. Byfield's Charter for importing Naval Stores from Carolina. (1) Whether they will be obliged to import a certaine quantity of pitch and tarr annually in all times of warr, unlesse dispensed with by the Queene. (2) Whether they will agree to a provisoe for dissolution on a notice in case the Queen and Council shall declare this Corporation is not usefull to the importation of Navall Stores. (3) Whether they will oblige themselves to deliver the Crowne a certaine quantity at a certaine price in time of warr, and a proportionable price in time of peace, without the Crowne being bound to accept it. *Endorsed*, Recd. Read May 16, 1704. 1 p. *Enclosed*,

320. i. Reply to above. (1) They think it not reasonable to be obliged to import pitch and tar at all times and in a certain quantity, unless the Government be also obliged to take it at a reasonable price. (2) This they think unreasonable, because their setting up this work and the importation of 1,800 barrels may soe humble the Sweeds and those who have ingrossed the pitch and tar in that country as to reduce the price to such a degree as the Government will save a vast summe of money annually, and thereby have noe more occasion

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of this Company to import. But they are willing upon any misdemeanour or misusing their Charter to be dissolved from trading after 3 years' notice. (3) As to mentioning in their Charter their stock of 20,000*l*, if it be not thought proper to be inserted, they are well satisfied without itt. (4) The Company will be obliged to give the Government the refusal of the 1,800 barrels and of all other quantities they shall import at the market price, the Government declaring their acceptance or refusal within a reasonable time after the tender made by the Company. 1 *p*. [*C.O.* 5, 1262. Nos. 82, 82*i*.; and 5, 1291. *pp.* 33-36.]

May 17. **321.** Reply of Col. Ludwell and Stephen Fouace to Mr. Thrale's answer in defence of Governor Nicholson. *Signed*, Phil. Ludwell, senr., Stephen Fouace. *Endorsed*, Recd. Read May 17, 1704. 20 $\frac{3}{4}$ *pp*. [*C.O.* 5, 1314. No. 17.]

May 17. **322.** Council of Trade and Plantations to the Queen. Whitehall. Report upon Acts of Jamaica, March 17, 1701—Nov, 2, 1703. The Act for *prohibiting the exportation of arms, ammunition and provisions to strangers in time of danger* being intended to be in force only during the time of war, we are humbly of opinion that it do remain as a probationary Act. *Other Acts recommended* as "appearing to us to conduce to the ease and safety of the inhabitants." [*C.O.* 138, 11. *pp.* 268, 269.]

[May 18.] **323.** Mr. Thrale to the Council of Trade and Plantations. Whereas his late Majesty appointed 2,500*l*. for the building and repairing the forts etc. at New Yorke, of which 500*l*. was paid before the Lord Cornbury entred upon that Government, and since his arrival there several sums were taken up and expended on that account, and bills drawn for the same on the Lord Treasurer in the same manner (as is presumed) his predecessor had done before by direction, but his Lordship refusing the bills both for acceptance and payment they were return'd back upon his Lordship to New Yorke, and his Lordship hath repaid the money back (with 10 *per cent.* interest) to those that advanced it, the summe is upwards of 600*l*. And whereas your Lordships have represented to H.M. that H.M. Province of New Yorke was in want of all necessary stores, I pray that you will lay before H.M. the necessity of sending them with what convenient speed is possible, and also that your Lordships will consider of some method that the Lord Cornbury may be relieved concerning the above money. *Signed*, J. Thrale. *Endorsed*, Recd. Read May 18, 1704. $\frac{3}{4}$ *p*. [*C.O.* 5, 1048. No. 81; and 5, 1120. *pp.* 103, 104.]

May 18. **324.** Council of Trade and Plantations to the Queen. Whitehall. Recommend the Act of New Hampshire for obliging the inhabitants to do military service etc. for H.M. approbation. [*C.O.* 5, 911. *p.* 297.]

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May 18. **325.** Order of Queen in Council. Confirming Act recom-
 St. James's. mended in preceding. *Signed*, John Povey. *Endorsed*, Recd.
 Sept. 6, Read Oct. 12, 1704. $\frac{3}{4}$ p. [*C.O.* 5, 863. *No.* 96; and
 5, 911. p. 394.]

May 18. **326.** Wm. Popple to Josias Burchett. *Encloses* extract of
 Whitehall. letter from Governor Dudley relating to ships of war wanted in
 New England. [*C.O.* 5, 911. p. 298.]

May 18. **327.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Hedges. *Enclose* following report upon proceedings relating
 to Naval Stores. *Autographs.* 1 p. *Enclosed*,

327. i. Report on proceedings of the Council of Trade and
 Plantations relating to Naval Stores. Refer to Report
 of Nov. 12. Since which we proposed to Sir Mathew
 Dudley and other petitioners for a Charter, that, in
 lieu of the clause they rejected, they give personal
 security for importing ye quantitys of stores specified in the
 draught of their Charter, which they have likewise as yet
 declined, so that we have little reason to expect any
 success from those proposals. *Recount proceedings*
relating to Mr. Byfield and Mr. Bridger. Upon our
 objecting that it might be inconvenient for H.M. to be
 obliged to take the said stores before it be known whether
 they are fit for the use of the Royal Navy, Mr. Bridger
 has made us another proposal, offering that if H.M.
 would grant him and others a Patent for making of
 Pot-ashes in the Plantations (where none have yet
 been made but by them) exclusive of all others for
 seven years, they would import the foresaid quantities
 of Naval Stores at their own proper charge and risque
 without obligation upon the Queen to receive the same,
 which proposal for pot-ashes we have referred to
 Mr. Attorney General etc. *Quote* Mr. Jennings' report
 on Virginian tar. Upon the whole matter, we are
 humbly of opinion that altho' the aforementioned
 propositions do take place, the quantities nevertheless
 of these commodities imported from H.M. own
 Dominions will not be sufficient to answer the public
 demands unless H.M. would be pleased to grant such a
 premium to any persons that shall import them, as
 shal in some manner countervail the extraordinary
 charge of freight and dearness of labour in the
 Plantations, which consequently will give such tempta-
 tions to the merchant as in some time to turn this Trade
 so much that way, and enlarge it so far as that it may
 be able to supply the general uses of the Nation. 6 pp.
 [*C.O.* 5, 3. *Nos.* 14, 14.i.; and 5, 911. pp. 290-296.]

May 19. **328.** Council of Trade and Plantations to the Rt. Hon.
 Whitehall. Mr. Secretary Harley. H.M. Principal Secretaries of State,

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together with other great Officers, being appointed by H.M. Commissioners for Trade and Plantations, besides those whose duty it is to give their constant attendance, we acquaint you therewith, that we may have your assistance at the Board upon any extraordinary occasion, or when your other affairs will permit. [C.O. 389, 36. p. 179.]

May 19. **329.** Council of Trade and Plantations to the Board of
Whitehall. Ordnance. We have nothing to object why Col. Romer may not have leave, so that another able Engineer be forthwith sent for the service of New England, New Yorke *etc.*, which in this time of war is absolutely necessary. [C.O. 5, 911. p. 303.]

May 19. **330.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* extract of a letter from Governor Dudley to be laid before the Queen. 1 p. *Enclosed*,
331. Extract of a letter from Governor Dudley to the Council of Trade and Plantations, Dec. 19, 1704 [? 3], referring to a proposed descent upon Port Royal (*q.v.*). $\frac{3}{4}$ p. [C.O. 5, 751. No. 51; and 5, 911. p. 304.]

[May 19.] **332.** Considerations why Naval Stores cannot be brought in great quantities from H.M. Plantations unless assistance be given by the Government. *High Cost of labour and freight etc. Endorsed*, Mr. Pollexfen. R. May 19. 3 pp. [C.O. 5, 3. No. 15.]

May 19. **333.** Governor Handasyd to the Council of Trade and
Spanish Town. Plantations. The Fleet arrived here May 4, under ye convoy of 3 men of war, with 2 French prizes. We are here in veary great pain for ye packett boat, for fear she should have miscarried. *Signed*, Tho. Handasyd. *Endorsed*, Reed. 13th, Read July 18, 1704. *Addressed. Scaled.* 1 p. [C.O. 137, 6. No. 47; and 138, 11. p. 299.]

May 19. **334.** Mr. Craggs to the Council of Trade and Plantations.
St. Martin's Lane. Enclosing following abstract. *Signed*, Ja. Craggs. *Endorsed*,
Reed. Read May 19, 1704. 1 p. *Enclosed*,
334. i. Abstract of letter from Capt. Lloyd, Newfoundland, Oct. 11, 1703. This day arrived the storeship, who gave us an acct. that at Ferryland he met with a New England sloop, the *Adventure*, Geo. Bald Commander, who had a commission as Privateer from Col. Codrington, but acted like a Pyrate, having on board 50 men, he plundered most of the inhabitants of their cloaths, provisions, money *etc.*, from Charters 50*l.*, the same he did likewise by some small ships there *etc.* [C.O. 194, 3. Nos. 20, 20.i.; and 195, 3. pp. 328, 329.]

May 19. **335.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Having received from Governor Handasyd an Act

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for settling the public Revenue for the support of the Government of Jamaica *etc.*, we conceive it fit for H.M. approbation, but as it relates immediately to the Revenue, we thought it proper for your Lordship's inspection before we proceed to offer it to H.M. [*C.O.* 138, 11. *p.* 270.]

May 19.
Treasury
Chambers.

336. Wm. Lowndes to Wm. Popple. Enclosing copy of circular letter to Governors, that letters may be prepared for H.M. signature accordingly *etc.* *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read May 22, 1704. 1 *p.* *Enclosed*,

336. i. Commissioners of Prizes to Mr. Lowndes. Enclosing following. *Signed*, Edw. Brereton, R. Gard, Geo. Morley, John Austis. 1 *p.*

336. ii. Draught of Letter to Governors relating to prizes. [*See* April 19.i.] [*C.O.* 323, 5. *Nos.* 49, 49.i., ii.; and 324, 8. *pp.* 443-446.]

May 23.

337. Attorney General to the Council of Trade and Plantations. I have considered of the Petition of Peter Van Bell [*see* March 9, May 16], and am of opinion if that Court was held under the late King's Commission for governing the Leeward Islands, as the Petitioner takes it to be, alledging that the President and Council had power only to appoint, but not to sitt themselves as a Court of Admiralty, or if the sentence was given by the President and Council of Nevis as the Council there, in both cases the Appeale ought to be to H.M. in Council, but if the President and Council held a Court of Admiralty, by authority derived from the Admiralty of England, the Appeale is to be to the Court of Admiralty in England. And soe it was lately determined by H.M. in Council. *Signed*, Edw. Northey. *Endorsed*, Recd. Read May 31, 1704. 1 *p.* *Enclosed*,

337. i. Copy of Petition of Peter Van Belle. [*See* March 9.] 2 $\frac{3}{4}$ *pp.* [*C.O.* 152, 5. *Nos.* 71, 71.i.; and 153, 8. *pp.* 306-311.]

May 23.
Whitehall.

338. Council of Trade and Plantations to Lt. Gov. Usher. We have received yours of Dec. 30, Jan. 19, Feb. 19, Feb. 25 and one without date. All these letters contain mostly the same matter over and over again, and in such a method as renders them very difficult to us to understand. Wherefore we must advise you for the future only to write plaine matter of fact, and in such a manner as may be less obscure. In answer particularly to what you write relating to Col. Dudley, we must acquaint you that when he is in the Province of Massachusetts Bay he is not to be look'd upon as out of his Government, and therefore you ought to consult him upon all occasions and to obey his directions, he being Governor in Cheif, and you must not take upon you to dissolve Assemblys contrary to his directions, since your doing so may prove of ill consequence to H.M. service. Upon this advice we do not doubt but that you will endeavour to behave yourself kindly and respectfully towards him and jointly with

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him contribute your best endeavours towards everything that may tend to the safety and peace of the Province and to the carrying on of H.M. service there. [*C.O.* 5, 911. *pp.* 328, 329.]

May 23. **339.** Jeronimy Clifford to the Council of Trade and Plantations. The enclosed letter has had no effect. *Prays for the consideration of his case* (Feb. 10). *Signed*, Jer. Clifford. *Endorsed*, Recd. Read May 31, 1704. $\frac{3}{4}$ p. *Enclosed*,

339. i. Jeronimy Clifford to Samuel Shippard, Jacob Oosterland, John Gardner. May 18. I am made a prisoner in the Fleet by the devises of my adversaries. *Prays for the speedy despatch of their report on his accounts, etc. Copy.* 2 *pp.* [*C.O.* 388, 75. *Nos.* 90, 90.i.; *and (without enclosure)* 389, 36. *pp.* 188-192.]

May 23. **340.** Wm. Popple, jr., to Wm. Lowndes. *Encloses Act of* Whitehall. *the Massachusetts Bay for establishing a Naval Office.* The Council of Trade and Plantations desire you to move the Lord High Treasurer that they may have the opinion of the Commissioners of H.M. Customs. [*C.O.* 5, 911. *p.* 305.]

May 23. **341.** Council of Trade and Plantations to Governor Lord Whitehall. Cornbury. Since ours of March 17 we have received one from your Lordship of Dec. 18. We must remind your Lordship of what we writ you Jan. 26, 170 $\frac{3}{4}$, upon the Acts past at New Yorke during the Earl of Bellomont and Captain Nanfan's Government, to which it is necessary your Lordship[s] return us speedy answer. Mr. Thrale, your late Agent, having presented to us a Memorial desiring a supply of stores of war for New York, we desire your Lordship, in order to the better enabling us to lay the same before H.M., to give us a particular account of the species and quantitys of what is wanting and of the places for which the said stores are desired. [*C.O.* 5, 1120. *pp.* 105, 106.]

May 23. **342.** J. Moore to Governor Nicholson. [*See June 6.*] In Philadelphia. obedience to your letter of April 8. I enclose copys of what has hitherto past in our Assembly: by them yr. Excellency will perceive the unhappy state of this place, and ('tis thought) they will break up without doing any business, the Proprietor having clogg'd the Lt. Governor's Commission wth. his own finall assent to all Laws, but this is uncertain. We have now on the Anvill the old project of a — Militia, to answer the Governmt. at home: but of that and what else is doing here, I refer your Excellency to Mr. Alexander Paxton (that goes home in the fleet), and is able (if required) to give a naked state of the cuntry. The Assembly of New Jersey are to meet the middle of next month. I hope in God the 2 men of war are arriv'd, and that you'll receive good news in them. *etc. Signed*, J. Moore. *Endorsed*, Recd. 9th, Read Aug. 22, 1704. *Holograph.* 2 *pp.* [*C.O.* 5, 1262. *No.* 84.]

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May 23.
Maryland,
Annapolis.

343. Governor Seymour to the Council of Trade and Plantations. It was April 10 ere a most uncomfortable, tedious winter passage of neare 7 months (in which wee were for a long tyme reduced to ye poor allowance of one pint of water each day) permitted my arrivall here in H.M.S. *Dreadnought*. So soon as I arrived I summoned the Members of H.M. Council, and on April 12 caused H.M. Commission to me to be published in the Court House. Capt. Evans, the Commodore of the Virginia and Maryland fleets, assuring me that his orders were positive to sail the last of Aprill, beyond which tyme he was resolv'd not to tarry, though the Trade should not be ready then to go with him, although my long passage had prevented me of meeting the General Assembly sooner, yet willing to convince your Honourable Board of my most ready obedience to H.M. royal commands and instructions, and your Lordships' directions, I endeavoured to convene the General Assembly then on foot at this place April 25, but it was the 26th before I could get a sufficient number to make up an House, and then but a very thinn one, their mercantile affairs in so great an hurry and the staple of this Province being so much later than that of Virginia, necessarily requiring everybody's presence at home to dispatch their respective concerns therein, in which H.M. service and interest is not also a little concerned. Upon the opening of the Session I enquired upon what foot the present Assembly stood, and was surprized to find that they had been of above three years, and summoned by the authority of his late, and not of her present Majesty, thô this the 3d year of her reigne. By which I was cautioned not to make use of them any further than the present exigency of Affairs required; However, I press'd them to answer such of H.M. Instructions, which I was directed to lay before them, and they required to answer and assist me in. [*See Journal of Council, etc.*] Your Lordships will find by the Laws transmitted that H.M. Instruction relating to the oath for better securing the Succession *etc.* has been readily answered by this Assembly, who have thô late most affectionately recognized H.M. Instruction concerning guifts to her Governors. I laid before them H.M. Royal Instructions and your Lordships' explanatory observations on enacting Laws were laid before the Assembly, who have given due regard and complyanee thereto in the transactions of this Session. The revising the Laws is of so great weight and concerne, that less than several weeks will not suffice for that worke; Therefore the Assembly have humbly pray'd to be excused at this juncture, and I humbly beg your Lordships will be satisfied, that as I have not been unready to enter upon that service, so I shall heartily use my endeavours upon our next Meeting (which I hope will be in Sept.) to compleate that Injunction so strictly incumbent on me. I have not been able yet to see, but upon the best inquiries find the Militia at present very ill regulated and unserviceable, and althô the present Act therefore may seeme to answer H.M. Instruction that all Planters and Christian servants be fitly armed and obliged to muster, trayne and serve therein; yet Experience shews it is not practicable here through

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several defects, some in the principles of the people (especially the Quakers) and otherwise in the poverty of many not being able to provide themselves arms and ammunition ; To ye redressing this misfortune I shall zealously apply mysele on our next meeting, and am not without hopes but that then such proper measures may be concerted which will render them not only of better defence and service to H.M. and the Country ; but likewise easier to themselves in that service, and their mayne affaire of crops not neglected. I proposed to the Assembly the making an Act for punishing mutiny, dissention and false musters, which they have pray'd may be referr'd to their next Meeting ; And I hope the little tyme I have been upon the spott will plead my excuse that I have not yet procured and transmitted the amount of the publique stores of arms and ammunition, which has been impossible for me to get (thô I have given the strictest orders therein) they being lodged in severall hands at great distance ; but I will take effectuall care this Injunction shall be punctually comply'd with. As to a Generall Survey of the whole Province and every County, or a particular survey of all ye landing places and harbours, I have recommended it to ye Assembly, who seeme not very forward by reason of the great Expence and Trouble, and have referr'd the consideration thereof to ye next Assembly, with other of H.M. Instructions. Thus far in obedience to H.M. Royal Instructions which I am commanded to communicate to the Assembly for their advice and assistance ; but now as to those which are more immediately to my selfe and H.M. honble. Council here, your Lordships by the Journal of the Council may see that I have not neglected, but used my utmost dilligence to do my duty in an exact complyanse with all and every of them, wou'd ye shortness of the tyme have admitted it ; And it is not without much regret and disappointment that I have not been able to have all ye publique Accounts regularly stated and transmitted to your Lordships, as well as the list of the inhabitants required in my Instructions, which I will not fail of doing by the first happy opportunity. My arrivall here happening at a very busie tyme, not only in regard of the Dispatch of the shipping but in that the Provinciaall Court which was appointed April 25 cou'd not be farther adjourn'd than May 16, hath much straightned me as well as the respective Officers in point of tyme to comply with our several dutys by ye present shipping, yet hope your Lordships will favourably accept of the best endeavours I have been capable of performing in so short a space. After the many misfortunes and inconvenienys I suffered by my long passage, Mr. Thomas Tench who presided here in H.M. Council, being a craving person and not satisfied with the advantage of the best part of 1,000*l.* sterl. (which my ill fortune in being so long on my passage hither presented him with) and althô my Commission passed Feb. 12 last was twelve months, still insists upon a moyety of the 12*d.* per hhd. for what tobaccoes were on board the shippes here at my arrivall, thô not to be cleared until two months after, which I humbly hope your honourable Board will not think reasonable, and beg you will not

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countenance his pretensions thereto, who has already gained so much by my misfortunes with little or no charge or trouble to himself, or hindrance of his private concerns. Sir Thomas Laurence, H.M. Secretary of this Province, finding himself much impaired in his health, and uneasy in his Office, the Assembly refusing to continue to him the benefit of the ordinary lycenses, and having made application to my selfe and H.M. Council for leave to goe for England, leaving a sufficient Deputy well qualified to execute his Office, has offered his service to take care of ye Journalls and publique packetts from this Government and, God willing, will wth. Col. Blakiston, our Agent, wayte upon your Lordships to present them. *etc. Signed, Jo. Seymour. Endorsed, Recd. 9th, Read Aug. 23, 1704. 6 pp. Enclosed,*
 343. i. Transcript of the Journal of the Committee of Accounts, May, 1704. *Endorsed, Recd. Aug. 9, 1704. 20 pp. [C.O. 5, 715. Nos. 78, 78.i.; and (without enclosures) 5, 726. pp. 288-296.]*

May 23. **344.** W. Popple, jr., to Samuel Gardner *etc. Encloses*
 Whitehall. Mr. Clifford's account. The Council of Trade and Plantations desire your report (March 2) as soon as conveniently you can. [*C.O. 389, 36. p. 187.*]

May 23. **345.** Council of Trade and Plantations to Governor Seymour.
 Whitehall. Since ours of March 17, we have heard from Sir Bevill Granville that you had been forced from the coast of Virginia to Barbados, and giving us an account of the hardships you had undergone, for which we are heartily sorry. And we hope that long before this you are safely arrived in your government. Upon our considering the Laws of other Governments, we find it absolutely necessary to remind you of that Instruction which directs you to send over a compleat collection of all the Laws of Maryland now in force; which therefore we desire you to send over with all possible dispatch. [*C.O. 5, 726. pp. 281, 282.*]

May 24. **346.** Abstract of Complaints against Governor Nicholson.
 Presented to the Board by Mr. Blair. *Endorsed, Recd. Read May 24, 1704. 4 pp. [C.O. 5, 1314. No. 18; and 5, 1360. pp. 471-475.]*

May 24. **347.** Wm. Lowndes to Mr. Popple. *Returns Act for settling*
 Treasury the public Revenue of Jamaica [May 19] with the Lord High
 Chambers. Treasurer's observations thereupon. *Signed, Wm. Lowndes. Endorsed, Recd. Read May 26, 1704. $\frac{3}{4}$ p. Annexed,*

347. i. Observations of the Lord High Treasurer upon the Act of Revenue of Jamaica. (1) If the goods be reship't within 12 months, the Receiver is to pay back half the Customs at the rates mentioned, whereas it should be half the neat money by him recd. after the deductions made. (2) There is a penalty for running the goods after sunset, and before sun-rising, but there is no provision made in the Bill for goods run in the

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day-time. (3) The goods of new settlers are discharged from all duties. *Quere.* Whether that exemption should not be restrained only to the duties granted by this Act. (4) There is a proviso that the merchant shall pay duty for no more than he sell or disposes of within the Island. *Quere.* Whether the charge is to be made upon the importation or the sale, and if upon the latter how can the duty be ascertained, and whether the goods imported and exported again without being sold or disposed in the Island will be discharged of the whole by the Proviso or of half by the preceeding clause, for they seem to be repugnant. $\frac{3}{4}$ p. [*C.O.* 137, 6. *Nos.* 48, 48.i.; and 138, 11. pp. 271, 272.]

May 24.
Barbados.

348. Governor Sir B. Granville to the Council of Trade and Plantations. A packet-boat arrived here from England the 21 inst., and was very welcome to us, we having bin without one for above 3 months past, and tho it brings letters of Aprill 13 I have the honour only of one from your Lordships, Feb. 16. I doe enclos'd send the list you order me in relation to Councillours and do submitt it to you as of persons every way the best qualify'd of any upon this Island for that trust. I shall govern myself with great exactness in relation to the Spaniards according to my Lord Nottingham's directions, and shall carefully observe those other commands you send me in relation to the private ships of warr, my Lord High Admirall's tenths and dues. I am very sensible of all your Lordships' favour to me in the report you make to H.M. about the house rent settled here, and I doe return the greatest acknowledgements for it. By this ordinary, I send such Acts as have been pass'd, as also the Minutes of the Council and Assembly from which you will be better able to judge of the present state of this place then from any generall account I can give. A fleet of severall merchant ships are here loaden ready to sail for England and will depart in a day or two. The French Privateers are buisy about us, and will continue to do us mischief without such ships be nimbler saylors then those we usually have, to which I must add that three men of war are necessary to protect all the trade of this place. There being a report which is come from the Maderas of a squadron of French men of war gon by that place for Martinique, I have sent out a spy boat to look into all their ports, as also at Guadaloup. I was in hopes it might have return'd in time for me to have given an account by this ordinary but I still expect her. *Signed,* Bevill Granville. *Endorsed,* Recd. 5th, Read Aug. 23, 1704. *Holograph.* 3 pp. *Enclosed,*

348. i. List of persons qualify'd to fill vacancies in the Council:—Abel Alleyne, William Cleeland, James Colleton, John Mills, Wm. Holder, Alexander Walker, John Holder, Middleton Chamberlin, Robert Gibbs, Edward Burk, William Battyn, Joseph Pickering. *Endorsed,* Recd. Aug. 5, 1704. $\frac{1}{2}$ p.

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348. ii. Account of prizes condemned in Barbados. 11 ships and sloops, 5 of which were wholly delivered into the Captors' hands according to the Act of Barbados for the encouragement of privateers. Nov., 1701. James Hamay, Marshall of the Court of Vice-Admiralty. *Endorsed as preceding.* 1 large p.
348. iii. An abstract of prizes condemned in the Court of Vice-Admiralty, Barbados, since the present war. (See Nov. 26, 1703.) *Signed*, Nich. Sayers, Registrar. *Same endorsement.* 2½ pp. [C.O. 28, 7. Nos. 33, 33.i-iii. (and memoranda); and (without enclosures) 29, 8. pp. 455-461.]

May 26.
Whitehall.

349. Council of Trade and Plantations to Gov. Dudley. Since our letter of March 17 we have received one from you of Dec. 19 (we have also seen your letters of Dec. 28), Jan. 3, and March 3 to our Secretary. We are sorry to find the Assembly have been so refractory in the matter of Pemaquid which so nearly concerns H.M. interest and their own safety. But we have not seen the Address you mention to have been sent over by the Assembly without your concurrence to excuse their not rebuilding that Fort. We can by no means approve their proceeding in this manner, it is very unfit that Assemblies should make representations to H.M. by particular Agents of their own without the consent and knowledge of H.M. Governour, except it be in cases where the Governour refuses to transmit or report what they desire, which you will intimate to the Assembly on such occasions as you shall think proper. We are very sensible of the little care the Assembly do take in settling a salary upon you and other Officers, and wish you could propose to us any method for rendring that affair more easy to you; in the meantime not being forbid by your Instructions as Governor of the Massachusetts Bay, you may immediately receive what presents shall be made you by Act of Assembly there without expecting H.M. confirmation, sending over nevertheless by the first opportunity such Act or Order by which the same is given in the same manner as all other Acts for H.M. approbation. As to stores of war, you ought to have sent us a particular account of the quantities and species desired, and for what places wanted, as also how H.M. shall be reimbursed; for it is very unreasonable the Assembly of the Massachusetts Bay should expect that they should be furnished with stores of war at H.M. expence, while they of all the Colonies in America do alone refuse to settle a salary upon H.M. Governour and other Officers there. We have received the map you have sent us, but we must desire you, when you send anything of that nature for the future, to give charge to the persons to whom you intrust it, that they take care to deliver it themselves, for we had like to have lost this by the negligence of the Captain, who left it at the post-house at Portsmouth. We have laid before H.R.H. Council what you writ concerning ships of war. And we have also laid before H.M. what you write about a descent on Port Royall, and when

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any directions shall be given therein you will have timely notice. As to what you write relating to the Castle's requiring more men than it did before it was enlarged, as also concerning a winters expedition, we conceive that you are the best judge in those matters. We leave it therefore to your prudence to do therein, and upon other the like occasions, as you shall find most for H.M. interest and the safety of the Province. We are glad the Assembly of New Hampshire have settled 160*l.* per annum on you during your Government. But whereas all Acts of that nature ought to be sent for H.M. approbation, we are expecting that Act in order to it's receiving the royall assent. We have laid before H.M. the Act of New Hampshire for obliging the inhabitants to do military service, and for raising money for a stock of provisions to be in each town ready for a march against the enemy. We send you H.M. letters to the Governments of Connecticut and Rhode Island, relating to their refusing assistance to you in time of need, as also a copy thereof for your information. Col. Romer having transmitted to us an inscription he proposes to be set up on the Castle at Boston, we send you a copy thereof to be set up accordingly, having no objection thereunto. We desire you to send us quarterly, or as often as may be, the number of persons that shall come from England or any of the Plantations to settle in the Massachusetts Bay. We inclose the extract of a letter from Capt. Lloyd, Commander of the Company at Newfoundland, relating to the piratical proceedings of George Bald, Commander of the *Adventure*, a New England sloop, that you may make enquiry into that matter, and if the complaint be found true, that you do your best endeavours that the offenders be brought to condign punishment. This may serve as a caution to you not to grant Commissions to privateers without sufficient security. [*C.O.* 5, 911. *pp.* 330-334.]

May 26. **350.** Mr. Thurston to Mr. Popple. The Chaplain for Newfoundland has been supported hitherto by a deduction from the pay of the Company there, pursuant to a warrant from the late King. I have endeavoured a renewal of the warrant by the present Queen, thereby to cut off all scruple that might arise in the officers, who never very well relish't it. But I have been unsuccessfull, as being a stranger to the Secretary at War. *Prays* for a recommendation from the Council of Trade and Plantations. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 26, 1704. 2 *pp.* [*C.O.* 194, 3. No. 21.]

May 27. **351.** Stephen Thomson to the Council of Trade and Virginia. Returns thanks for recommendation as Attorney General for Virginia. *Signed*, S. Thomson. *Endorsed*, Recd. 9th, Read Aug. 23, 1704. *Addressed. Sealed. Postmark.* $\frac{3}{4}$ *p.* [*C.O.* 5, 1314. No. 19; and 5, 1361. *p.* 20.]

May 30. **352.** William Byrd to the Council of Trade and Plantations. I find no direct complaint against Col. Byrd. The gentlemen

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concern'd in the Memorial do not charge him with any fraud or neglect in auditing the publick accounts, neither do they charge him with not producing them from time to time to the Governor, before they be transmitted to England. The only article that has so much as the air of a complaint against the Auditor, is, that there has not been any solemn audit since Col. Nicholson came to the Government of Virginia, which these gentlemen afterwards are pleased to explaine by saying that the accounts have not been examined in Councill. The Auditor has not the least authority to summon the Gentlemen of the Council, and therefore it can be no fault in him if they be not summon'd. I appeal to these gentlemen whether Col. Byrd has not been frequently heard to lament, that the ancient custome of passing his accounts in that publick manner should be interrupted. *Insists on the desirability of the public examination of Accounts, etc. Signed, William Byrd. Endorsed, Reed. Read May 31, 1704. 1½ pp. [C.O. 5, 1314. No. 20; and 5, 1360. pp. 476-478.]*

May 30.
Virginia.

353. Col. Quarry to the Council of Trade and Plantations. My last was Feb. 28 *etc.* Lt. Gov. Evans called an Assembly to sett April 10; in order to it writts were issued out to the Three Lower Countys. Mr. Penn's Province would obey noe writt, but was resolved to stand firm to the late Charter granted by Mr. Penn just at his going for England, by wch. they have power to assemble themselves when and as often as they please, with many other such extravagant priviledges as never was granted to any people before, nor had this been granted but that Mr. Penn thought then that ye Parliament had reasum'd his grant to the Crown, wch. made him so liberal, tho' now he repents and wants a fair occasion to dam his own Charter. However Col. Evans was willing to try if he could reconeile or aecommodate these confusions, in order to it appointed the members of the Three Lower Countys to meet at Philadelphia, wch. they did, and after all endeavours used to accomodate matters, nothing would prevail with the Quakers: upon the former union they met upon the square, the Lower Countys were equal in numbers with the Upper, but now by Mr. Penn's new Charter the Upper Countys have more then double the number of Representatives. After some time spent to noe purpose, the Gentlemen of the Lower Countys, finding themselves thrown off by the Quakers, and that they must shift for themselves, went back to their own count[r]y, and the Lieut. Governor hath ordered them to meet him at Newcastle, to see what can be done with them singly, in order, I suppose, for the security of the country, wch. lies so open and exposed, but I cannot see how it is possible for them to undergo the great charge of it themselves, besides they will be very unwilling to undertake it at their own cost, since the Quakers of the Upper County will reap the greatest benefitt, and yet will not contribute anything towards their own defence. Since the Quakers have thrown off the Three Lower Countys, I hope yr. Lordships will think it high time

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that H.M. take those poor people under her immediate protection. I am very confident that Mr. Penn's proud Province will quickly repent therethrowing off Lower Countys ; it will quite ruin their trade, nor can they subsist [*without being supplied from them ; besides in case the Lower Counties be made*] a Province of itself, or joyn'd to any other Government, then the tobacco which is all made there cannot by law be carried to them without first paying the 1*d.* per *lb.* duty, which will ruin Pennsylvania, and very much improve the trade of the Lower Countys. Besides the 2,000*l.* which the Assembly gave Mr. Penn before he went hence, and the excise on beer, wine *etc.*, he had managed the People so wth. his spacious pretences, yt. he gott a subscription from all the several meetings throughout the whole Province, which by a very modest computation amounts to 2,500*l.* ; one of the original subscriptions and an original recet from his Secretary and Receiver General to the Collector I have in my possession ; by enclosed copy your Lpps. will see the pretences he uses to impose on the poor people and to gain his point, so that by these ways together wth. the quitt-rents, supernumery land and the constant sale of land, the Country is quite drained of all the money, there is scarce enough left to goe to market.

I gave your Lordships a full acct. of the severall fatall attaques made by the Indians and French on the out settlements of New England, and alsoe that a party of about 300 Indians, headed by about 20 or 30 French had fallen into the Proprietary Govmt. of Connectiutt and cut of a place called Dearfield, they killed 52 of the inhabitants and carry'd away 80 prisoners ; the Indians and French had 50 killed in this action. Their chief officer was M. Marecure, who formerly cut off Schenectade. We must expect frequent misfortunes of this nature in one Province or another, where the Enemy please to fall on us, nor is there any other effectuall way to prevent these mischiefs but by cutting off Canada, wch. may be done with ease, if H.M. would but resolve on it ; nothing can secure her subjects in any of her Provinces, or prevent the French from being in time Masters of the Main.

H.E. Col. Dudley hath dissolv'd the Assembly of that Province, April 21st. I doe much fear that he will change for the worse. Lord Cornbury designs as soon as [*the Assembly at New York*] rise to hasten up to Albany to settle the frontiers but in order to it hath adjourned the Assembly of the Jersys to June 20, at wch. time I resolve to attend H.E. at Burlington. I need not tell your Lordships of how great a consequence the effectuall securing of the Five Nations and the Frontiers is to all H.M. Governments. I am very confident that he will do all in his power, but I fear it is impossible for ye people of that Province to support the charge of it. I doe very well know that the inhabitants of New York are suppos'd to be a very rich people, but in reality they are not : it is true they had formerly a very great trade, and gott abundance of money the last war, when we had a trade with the Spaniards, besides they had a very profitable, tho' an unlawfull trade to and from Madagascar,

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besides the advantage of several privateers and Pyrates [*bringing great quantities of money and goods amongst them, all which is*] gone to pay there Creditors in England, and have very little left among them; they have had very great losses this warr both going and coming from England, besides vast losses in the West Indies; their Trade is in effect quite gone, the produce of the Country is of little or no value, nor is there any markett for it anywhere, soe that on the whole matter their circumstances are very low, and yet the charge of the Governmt. is much higher then it use[d] to be, and their Neighbours less able to supply them then ever. Their Northern Neighbours have enough to doe in defending themselves and their frontiers from the enemy, who are so frequently assaulted by them, so that there can be but very little hope of assistance from any of them. To the Southward, the Jerseys are able to supply their quota of men and subsist them, tho money is very scarce amongst them, yett that want may be answered by the produce of the Country. Lord Cornbury very well knows how to manedge that point, but there is a fatall obsticle, which I fear will ruin all the hopes of being supply'd with men from hence. When the people of Jersey find that their next neighbour of Pennsylvania doe neither supply there quota in men or money, they will think it very hard that they must be under worse circumstances under H.M. Governmt. than these fellow-subjects are under a Proprietor, but this is not the worst, for those that are sent on this expedition are generally single men, and rather than fare worse than there next neighbours, will leave the country and goe to Pennsylvania, by which means H.M. Province will be depopulated *etc.* This is already in every man's mouth. Pennsylvania will give no supply of men or money so long as they remain under their present constitution, soe that instead of being an advantage to the Crown, or contributing in ye least to ye security of H.M. Provinces or themselves, they will rather contribute their endeavours to hinder others. The Lower Countys, if we consider them as they are now thrown off by the Quakers of Pennsylvania, and are independent, nothing can be expected of them, more then the settling a Militia amongst them, and putting them on the most proper methods for their own defence, and in case they find that doth bear hard on them, then they will have recourse to the same remedy that ye People of the Jersey have, and remove themselves to Pennsylvania, wch. still shews the necessity of that Province being under some other regulations. H.E. Col. Seymour arrived in Maryland April 11. I was there to attend him. He called his Council, where he and they were qualified by [*taking the oaths appointed*] *etc.* The Assembly, wch. were called, and in being in the last Reigne, were [*then on adjournment*]. H.E. thought fit to humour them to meet Apr. 24. in order to renew the Act for laying 3*d.* upon every hhd. of tobacco, wch. the Assembly had formerly given to Col. Blakistone, but was expired after his quitting the Governmt. Had H.E. stayed till a new Assembly was called, he must have lost the benefitt of that duty on all the tobacco that goes home in this

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fleet. The Assembly renewed that Act, and then were dissolved ; there is now writts for calling a new one. The Assembly of Maryland did formerly give something toward the support of Albany, but there is not a penny of it paid to this day, and they are in hopes by some way or other to evado the payment of it, and I have very great ground to doubt whither they will ever be prevailed wth. to give any more, for they are very apprehensive of their own danger from the Indians and French, especially since the cutting off of Dearfield. I believe yr. Lordships may not allow this to be a good reason, but rather think they ought to prevent the approach of their danger by assistance in supporting Albany. However when your Lordships consider there other circumstances more especially in relation to Trade and the effects of it [hath] on them, I am sure you will give grains of allowance to them. Noe Trade belonging to England is worse manedged than the tobacco trade, and therefore doe wish yt. there were a regulation of it. I am sure it would be for the interest of H.M., the Planter and the Mercht. too, but as it is manedg'd it is injurious to all. I cannot give a greater instance than the last fleet under the convoy of the *Guernsey* and *Oxford*, known here as the Smocking fleet ; it hath done more damage to trade and the intrist of these Provinces than all that were concern'd in it were worth ; it hath lower'd the price of tobacco both at home and at all forreign marketts almost to nothing, I mean the Aronoco tobacco ; it hath entail'd such a feud and misunderstanding betwixt the inhabitants that will require some time to reconcile ; some few that did not see into the reason of trade were for encouraging them, but the most considering men that saw further and knew the consequence of such irregular methods gave them all the discouragement they could. These Provinces produce but one crop of tobacco in a year : one fleet of ships may carry home all this tobacco under a good convoy ; this would fix the price of tobacco here, in England and all forreign marketts ; then all persons concerned would buy briskly, being well assured that no other supply would come till next year's fleet ; whereas the [*late destructive and irregular way of having several Fleets*] to carry home this tobacco ruins trade, discon[rages the buyer], lowers the price, to the ruin of all concerned, for when an after fleet is expected, they always depend on ten times a greater quantity than really there is, and so deferr buying, perhaps there never was such an instance of four severall fleets that went from hence in fourteen months time, wch. hath given such a fatall blow to trade that will hardly be retriev'd, by wch. means severall thousands of hlds. of Aronoco tobacco were not worth to the owners one penny, some left on the masters of the ships hands for the freight, and had not some worthy eminent merchant, who had a true honour for Trade and the Intrist of these countrys, stood in the gap and supported it, it would have been far worse ; however it had this fatall effect, that the tobacco yielding little or nothing, the Planters' Bills of Exchange were returned protested to their great damage, and utter ruin of many, nor can they ever hope to recover

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themselves but by the advance of tobacco, wch. must be the right regulation of that trade. The present warr hath cutt us out of the trade of Spain, France, Flanders and part of the Baltick, which took off[/] at least 20,000 hhds. every year, and that of the most ordinaryest sort, whereas now the greatest forreign markt is Holland, wch. takes off none but our fine bright Aronoake, wch. is but little in comparison of the browner sort, and it is to[o] evident that we have cloy'd that markt. These severall fleets so different in their intrist have very much disappointed the Country of such supply of goods as should answer their necessitys; ye Smokers Fleet, thinking to take the advantage of the Planters, would not sell their goods but at a very extravagant price, wch. they would not give, depending on the Grand Fleet's coming in the fall, and perhaps they concluding that the Smokers Fleet had pretty well supply'd the country, slecken'd their hand and sent not soe much goods as else they would have done, so that between them both the Country is disappointed and in great want of goods, especially if the Fleet should not be here again before Christmas; that wch. contributes more to this disappointment is the loss of severall ships of the Fleet, who had a great quantity of goods on board, wch. wth. the many ships lost going home is another misfortune that these countrys grown under. The remedy of all these evils in the future is (1), as there is but one crop of tobacco in a year, soe there may be but one sufficient fleet to carry it home under a good convoy; that noe ship be permitted to sail but what goes in the fleet under convoy; the Assembly of this Province having by sad experience found the ill effects of the late confused and destructive method of trade, have proposed the time for the fleet to sail; they have given their reasons, wch. I hope your Lordships will approve. They propose that the Fleet doe sayl from England in Sept., wch. will bring them hither in Nov., by wch. time great part of the tobacco will be stript and packt, soe that by the time they have delivered their goods and gott their ships in order, the tobacco may be ready for them to take on board. (2) By the Fleet's being on our coasts in Nov. is before the North west winds sett in, so that they will in all likelihood meet with smooth short passages whereas if they come on these coasts in the dead of the winter, they will meet with very hard violent weather, such as may force them to bear away to the West Indies, by wch. they hazard the loss of their ships by the enemy or the loss of the men's lives for want of provisions, of wch. we have had so many instances, particularly this year. By being here in Nov., there will be time enough all the winter for the merchants to sell their goods and purchase tobacco, and it will be very seasonable for the planters to furnish themselves with cloathing for their servants *etc.*, the want of wch. this year proved a very great damage. They may then be ready to go hence in April or May, and will prevent the ships being damaged by the worm, and secure the men from those sicknesses which generally attend them in the heat of summer; going home, they will have good weather and moderate winds, soe that if they have good convoys, they may

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be kept together, the contrary effect of wch. by going home in the winter was sadly experienced by the last fleet, *etc.*, *etc.* No single ship ought to be suffered to sail since it lessens the Queen's Revenue, feeds the enemy, encourages privateers, ruins the Planter, makes a noyse and perhaps feeds a markett, in a word it cannot be for a publick good. It cannot be for H.M. service that a Commadore's orders should confine him to a fixed day of sailing hence wth. the fleet, it being impossible for H.R.H. at soe great a distance to foresee the many and great accedents that may fall out. I humbly propose that somewhat may be left to ye Governmt., and if your Lordships think fit that the Commadore may be joyn'd with them, this may prevent many inconveniencys and be a great satisfaction to ye country.

And now I humbly propose whither, considering the present miserable and unhappy condition of these Provinces, your Lordships may not think fit to suspend for the present the pressing them to pay their quota towards the supply and support of Albany, till they have a little recover'd themselves *etc.* Such a gracious condescension in H.M. will make the People of these poor Provinces easy and chearfull, and, when they are able to contribute, far more willing and larger then what is now expected from them. I am not in the least changed from my former opinion, that the security of all the Provinces on the Maine doth depend on the effectuall defence of Albany and the frontiers, together wth. securing the Five Nations to the English intrist, that the Province of New York are not able to defray the charge of it, that it's not reasonable that H.M. should be at the expence of it, espetially whilst she is engaged in soe chargeable a warr; that it ought to be defray'd by the severall Governments that reap the benefitt of it, that noe better method can be found then what hath been agreed on by your Lordships; but the miserable effects of this present warr hath very much alter'd the state of the Tobacco plantations, wch. may make it adviseable to suspend there payment for some time.

The Assembly of this Province [*Virginia*] mett Aprill 20th and sate till May 12th, and were then prorogued till Oct. 19. They past severall good Acts. The factious uneasy spirit is contracted into a very narrow compass; the people's eyes are open to see that those men had noe other ground or motive for what they did but their mallice and revenge for not being continued in all places of honour and proffit: it is generally thought that Mr. Ben. Harrison and the rest of his gang have made their last effort this Session; the occasion was this; the Act for laying an imposition on liquors and negroes appropriated to the building of the Capitoll was expired; the inside work not being quite finish'd the Assembly brought in a Bill to revive the Act for one year longer, and tho this Act noe ways concern'd H.M. or the Governor, but purely for the service of the Countrey, yet this Gentleman with his few factious friends us'd the utmost of their endeavours to have thrown out this Bill, wch. did so effectuall[y] shew the Assembly and the whole Country the true temper of them, that they will never be abused or imposed on by them more; wch.

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proved to be a very happy accident, for after this they could gain noe one point, but all things went on very smoothly in the Assembly. The great noyse and clamour which was so improv'd in the Country by those few uneasy is now quite blown over, all those malicious storys of H.E., being sent for home by H.M. and a new Governor sent in his room, wh. they endeavoured to impose on the people, are now at an end.

The late expedition in South Carolina under Col. James Moore, against the Apalaey Indians, was a brave action, and will be attended with this good consequence, to secure that Province from any sudden attempt of the Spanyard, or Indian, against them by land, this nation of Indians being the chief that the Spaniard depended on for that design. Col. Moore marched wth. a great body of our friendly Indians and about 50 Englishmen; they killed a great number of the Enemy, brought a great number of them Prisoners, besides 1,300 that came voluntary with them to live under the protection of ye English Governmt. I hope your Lordships will assist that Govt. wth. a man of warr and a bomb ketch, in order to taking St. Augustine, wh. may wth. ease be done, and will be of a vast consequence by a totall removall of the Spaniards and French from those Southern parts, and bring all the Indians under the English Governmt. As for Providence, it lyes still ruin'd and depopulated, and soe is like to continue unless H.M. will please to take it into her own hand and protection; then it would be soon settled, but noe number of people will ever venture to settle it again under the Proprietors; it's pitty such a place should be deserted. *Signed, Robt. Quarry. Endorsed, Reed. Read Aug. 15, 1704. 8 closely written pp. partly torn. Enclosed,*

353. i. Robert Quarry to Governor Lord Cornbury. For many years past all manner of illegal trade hath been carried on, encouraged and sheltered at a place in the Province call'd Sandyhook, to H.M. very great damadge in her Revenue. Ships from Madagascar, Curacao, Surinam, St. Thomas etc. bound for New York, there land or put on board some sloop the manufactory of Europe and other prohibited goods brought from those forreigne parts, and also great quantitys of pyratikall goods; wh. done the ships goe up to Yorke perhaps in their ballace, and in a little time after the goods are conveyed to York in wood boats etc. For many years there has been a very pernicious trade carryed on from Pennsylvania to that place by some sloops belonging to New York. They carry goods to Pennsylvania, and in their return back they doe perhaps enter a small quantity of tobacco for New Yorke, for wh. they doe pay the duty, and after they have got their clearing, they fall down to some creeke or other in the Lower Countys, and there take in their full loading of tobacco, wh. they bring to some of the small places neare Sandy-Hook, where they putt it on shoare, and then goe up to New Yorke. The tobacco is sent up in wood boats, under their

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loading, and landed in the night or putt on board some vessel bound for the French or Dutch Governmts. But generally those ships to stop at Sandy Hook and take in the tobacco there. By a strict inquiry into this wicked trade, I am very well assured that H.M. hath been damaged above 20,000*l.*, and will be injured to a greater value. *Proposes* the building of a small Plattform or Battery of three or five guns; with 8 or 10 men constantly to attend; that all vessels bound in from the sea be obliged to touch there to make report, and take a waiter on board up to New York; all vessels outward bound to take an officer on board and land him at Sandy-hook; H.M. Collector of Amboy to be oblidge to reside there by himself or deputy; beacons to signal the approach of ships to be erected there and at the Narrows *etc., etc.* Feb. 15, 170 $\frac{3}{4}$. *Signed*, Robt. Quarry. *Endorsed*, Recd. Aug. 12, 170 $\frac{3}{4}$. 3 *pp.*

353. ii. Memorandum of Copy of the Subscription obtained by Mr. Penn for mony from the inhabitants of Pennsylvania *etc.* $\frac{1}{4}$ *p.* [C.O. 323, 5. Nos. 51, 51.i., ii; and (without enclosures) 324, 9. *pp.* 1-30.]

[May 30.] **354.** Copy of the Subscription obtained by Mr. Penn for money from the Inhabitants of Pennsylvania. Whereas our Enemies by their frequent and unwearied attempts and misrepresentations of us and this Governmt. to our Supperiors in England have at length so farr prevailed that our Governmt. and therewith our priviledges are like to be taken away, and our Christian liberties thereby infringed tending to the great prejudice of us and our posterity, if timely care be not taken to prevent the same, for which cause there seems an unavoidable necessity that our Friend and Governor Wm. Penn doe speedily repaire for England to defend his and our just rights, which cannot be done without a considerable supply towards defraying the charge thereof. Therefore we the underwritten . . . do severally agree to pay to William Penn, his heirs *etc.* the several sums of money by us respectively subscribed. Darby. *Signed*, James Cooper, 5*l.*, John Blunston 5*l.*, John Wood, 10*s.*, Tho. Worth 10*s.*, Nich. Ireland 10*s.*, Daniell Hiberd 1*l.*, Michael Blunston 2*l.*, Thomas Bradshaw 1*l.*, John Marshall 1*l.*, Obadiah Bonsall 10*s.*, Benjamin Cliff 10*s.*, Rich. Parker 1*l.* 4*s.*, Will. Cooke 10*s.*, John Smith 10*s.*, Edmond Cartledge 1*l.*, Joseph Needs 2*l.*, Robert Seothorne 10*s.*, James Williams 10*s.*, Josiah Hearne 10*s.*, John Hircke 10*s.* *Received.* Total, 26*l.* 14*s.* *Endorsed*, Recd. Aug. 15, 1704. 1 *p.* [C.O. 5, 1262. No. 85.]

[May 30.] **355.** Copy of Deputation by James Logan, Mr. Penn's Receiver, to James Cooper, to collect the sums subscribed by the Friends of Darby Meeting towards the said Proprietor's supply in his voyage to England. 1 *p.* [C.O. 5, 1262. No. 86.]

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Jamaica.

356. Information by Robert Hotchkyn, Attorney General of Jamaica, against Hugh Totterdell. An Assembly being summoned at St. Jago de la Vega, April 11, 1704, Hugh Totterdell, late of Spanish Towne, being duly elected and returned for the parish of St. Catherine's, and Richard Thompson for the parish of Kingston, the said Hugh contriving and intending to defame the said Thomas and excite sedition and create a jealousy between the Governor, Council and Assembly and the Queen's liege people and to bring the Governor and Government into contempt *etc.*, the said Richard being appointed Chairman of a Committee of the Assembly to bring in a Bill for the quartering of H.M. forces, and the said Hugh being afterwards appointed Chairman in his room, on May 10 at Spanish Towne uttered these scandalous and seditious words in the hearing of the said Richard and divers others, to witt, "I desire I may be likewise excused, for if anything should goe amiss, I shall be rogu'd and rascall'd as before, and therefore desire the said Richard may not be excused, but continue Chairman, that he may be rogu'd and rascall'd in his turne," upon which Richard asked him who would call him so; he replied, the Governor; to which Richard replied that he would give no occasion for such language; Hugh answered that he was no time server, he had rowed against the stream and found he could pull up against all, and that the first good dinner the Governor had in this Island, Hugh gave it him.

The Court is further informed that whereas Hugh was intrusted with a packet of letters from the Queen for the Governor, he privately concealed and withheld it for 7 weeks from June 8. *Prays* that Hugh may come into Court to answer upon the premises. *Endorsed*, Oct. 25, 1704. 1 p. [*C.O.* 137, 45. No. 61.]

May 30.
Whitehall.

357. W. Popple to Wm. Lowndes. The Council of Trade and Plantations find that the Revenue Act of Jamaica [*May* 19, 24] does agree in every material part (except as to the rates of goods imported) with the former Revenue Act, which has been in force for 21 years and upon which the Customs and other Revenues have bin collected without any inconvenience. But that the Lord High Treasurer may have intire satisfaction, they will send his observations to the Governor and Council of Jamaica; that such defects as may appear to them to be essential may be remedied by a subsequent Act, and that they likewise return an answer to the several particulars, and in the meantime they humbly conceive this Act fit to be laid before H.M. for her Royal approbation, if his Lordship has no objection to their doing the same. [*C.O.* 138, 11. pp. 273, 274.]

May 30.
Whitehall.

358. W. Popple, jr., to Mr. Attorney General. *Enclosing* draught of a Proclamation for settling the rates of foreign coins in the Plantations, that it may be put in such form by your care as you shall find requisite, to be presented to H.M. the next Council Day. *Annexed*,

358. i. Proclamation referred to above. [*No.* 392.i.] [*C.O.* 324, 8. pp. 446-449.]

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 Philad^a. in the
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359. Lt. Governor Evans to the Council of Trade and Plantations. What mismanagement and abuses have been before my time I know not, but since I have not been able to make the least discovery. And I am sure 'tis no Governor's interest to connive where the Law gives so large share of the forfeiture, and whatever regards H.M. interest commands my firm obedience, especially since it has graciously pleased ye Queen to grant me her Royal Approbation. I find it is the great unhappiness of these parts of the world in generall to be too much divided in opinions. I have therefore endeavoured to my utmost to reconcile animosities and take off the edge of some men's unreasonable anger; but how far I have succeeded I am not able to judge, it having been the practice I am informed of writing to England large accounts of every minute passage without the least complaint or notice here, nay, even where they have seemingly approved. My Lords, I write not this that I am conscious of any occasion given, but if any should be taken from the malicious and restless humours of men, I humbly beg that I may have notice of it before intire credit be given etc.; I have earnestly press'd'to the Assembly now sitting the raising that sum required of this Province in the late King's letter for the assistance of New York etc., which you (May 19. 1703) enjoyn'd the Proprietor to take care of. I find it goes much against the humour of the people here, as well as in the rest of our neighbouring Colonies. The reasons here urg'd by them are that the Lord Bellomont's project which gave occasion for these quotas to be demanded, was altogether impracticable, and as such (say they) is esteem'd by those who know the scituation of the country. However, I proceeded to discharge my duty in this affair, and continued by messages and conferences urgently to press it to them. I cannot yet determine the Resolutions the House will take thereupon, the Assembly having not as yet passed an Act of any kind, otherwise I should transmitt and shall not neglect it by the first opportunity. We have now under consideration methods of securing ourselves against incursions from Canada (which is as necessary for the safety of our back settlements as anything) by engaging all our friendly Indians, as well the Five Nations as others, and by keeping some kind of patrol abroad, which I hope we shall speedily effect by a good Law and an answerable Fund for it. I have lately (for I could not well before the Assembly sate) publish'd a Proclamation for raising a Militia throughout the Government, and thereupon issued out Commissions, and hope to have all the country in arms, who will bear any, on any account, as great part I believe will, but a full and regular Militia I fear is not to be expected. The Province now acts in legislation distinct from the Lower Counties upon some steps that had been made before my arrival, however both sides think themselves more disengaged and freer to goe on with the publick business in different Assemblies. *Signed, John Evans. Endorsed, Recd. Sept. 8, Read Oct. 19, 1704. 4 pp. Enclosed,*

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359. i. Proclamation by Lt. Governor Evans requiring all persons residing in this Government, whose persuasions will on any account permit them to take up arms in their own defence, to provide themselves with a good firelock and ammunition in order to enlist themselves in the Militia. Every inhabitant to repair and enlist himself with the officer commanding in his district etc. Philadelphia, May 26, 1704. *Signed*, John Evans. *Endorsed as preceding. Copy. 1 p.*

359. ii. Speech of Lt. Governor Evans to the Assembly of Pennsylvania, April, 1704. . . . Nothing is of greater importance than a well regulated Legislative power consisting in the concurrence of those that are invested with the power of Government and the people. . . . But I was not a little surprized at my arrival to hear that there had been any tendency to a division in the Legislative powers happily settled by our Constitution in an Assembly of the Freeholders of this Province and Territorys. Since the first electing of this Government I have been pleased to hear that you have all hitherto been united in one body in your Assembly, and in them have joyntly enacted Laws by wch. you have been peaceably governned and flourished at least equally for the time to any Collony in America. And I shall be exceedingly sorry should you upon my arrival break that union and confirm by Act a separation that I must believe was the unhappiness of the place to have ever laid any foundation for. I am well assured by all my Orders that H.M. considers both this Province and Territories as one intire Government, and both the Royal Approbation and my Commission tell me that I ought to use my utmost endeavours to keep you soe. Your publick interest alsoe will I suppose noe less clearly informe you that you are by that soe inseparably united yt. neither can without great loss and inconvenience suffer a division etc. I therefore earnestly press both to you, the Representatives of the Province (notwithstanding the steps already made to a separation) and to you of the Lower Counties, who upon the consultation at N. Castle with some of the principal of you on this head thought it requisite to meet here to deliberate and consult of this important affair, that conferring by yourselves and together as there shall be occasion, you would take the speediest and properest means to forme yrselves by an amicable agreement into a convention that may enable you effectually to proceed to the consideration of such matters as the services of H.M., this Government, and our common interest and safety may require and which I must lay before you. The different numbers of Representatives need not be any obstruction, yr. business together being not now immediately to proceed

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- to voting, but to find any means to put yourselves jointly into a fit condition for it *etc.* *Copy.* 1½ pp.
359. iii. Copy of the Representatives' Condescension of the Territories to the Representatives of the Province of Philadelphia, April 13, 1704. We the Representatives for the County of N. Castle, Kent and Sussex, being (by virtue of the Governor's writ for election) met at Philadelphia, April 10, in expectation to have joyned in Assembly with the Representatives of the Province of Pennsylvania, found ourselves disappointed therein by their pretending a former separation. Wherefore we do think it our duty to manifest and declare how unwilling we are to admit of any such thing as a disunion, being afraid that the consequence thereof must of necessity prove prejudicial to the Peace and Interest of the Proprietary and Government. Wee therefore being very sensible of the same, do declare that for the quietness and prosperity of the Government, wee are satisfied and contented to accept of the Charter given and granted by Wm. Penn, Oct. 28, 1701, according to the true intent and meaning of the same, that is to say, if the Province will joyne with us in representing the same by four Members out of each County, so that our Representatives may be equall in number, conform to the 2nd article of the sd. Charter, and the antient use and practice of this Government. The which is now offered by us, not doubting of your satisfactory answer in writing. *Signed,* James Coutts, John Healey, Roolof De Haer, Isaac Gooding, Wm. Rodeny, John Brinkloe, Wm. Morton, Arth. Moston, John Hill, Wm. Bagwell, Rob. Burton, Rich. Paynter. 1 p.
359. iv. Second Speech by Lt. Governor Evans to the Representatives of Pennsylvania. My earnest desires and endeavours for an union between you and those of the Lower Counties in legislation, having by means of the sev[erall steps that] been made before my arrivall prov'd unsuccessful, and you being now in a condition by the Proprietor's Charter to proceed to business *etc.* Nothing can be of greater importance towards man's happyness and safety than that the legislative powers be well and duly regulated, for the effecting which you have now as fair an opportunity as sound and wholesome Laws can give you. The Queen's Majesty and the Proprietor have effectually done their parts, and for mine I shall always be ready to promote whatever may prove of so happy a tendency. It remains only that you will accomplish your own happyness by a firm establishment of your own Constitution on such a reasonable and regular foundation as that each particular interest H.M., the Proprietor's and your own may be so interwoven (as naturally they doubtless are) that each may support the other. H.M. expects that while

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all the rest of her subjects everywhere cheerfully contribute to the great and necessary expenses of her happy Government, you will with no less alacrity present H.M. with the sum mentioned in the late King's letter towards the expenses of New York. The Proprietor expects you will support the dignity of the Government in all its branches, and not suffer it to lye as an oppressive load upon him, whose unwearied endeavours have never ceased to secure you in the enjoyment of your just rights and privileges, and while he is enabled to undergoe it, doth by me give you assurance that he will never be wanting in whatever may most effectually secure you, but that unless you can find means to recommend yourselves to the Ministry at home by answering the just ends of Government, the burthen must needs lye much the heavier upon him, and perhaps at length prove to much to beare. I am also to recommend to yr. care some method to secure ourselves in these dangerous times of warr, especially that you have a more then common regard to the Indians and such as are suffered to come among them, *etc.* *Copy.*
1 p.

359. v. The Representatives of the Three Lower Counties to Lt. Governor Evans. Philadelphia, April 14, 1704. In obedience to your writs, we have made our appearance before your Honour on the 10th to have acted legislatively in Assembly. But whereas we did observe by your Speech (*above*) that you judged it fitt that all endeavours should be used in the first place for the uniting of your Government in one Assembly, being very sensible of the respect wee owe yr. Honour, and being very well satisfied that you did at that time propose matters of the greatest import towards the interest, quiet and prosperity of the Government, have accordingly use[d] our utmost endeavour for an accommodation wth. the Representatives for the Province, and since we are assured that our endeavours cannot prove successfull, as by their answer does plainly appeare [*see* Oct. 15, 1704]. We therefore humbly lay before your Honour's consideration, the necessity there will be for to fall upon methods for a speedy and effectual settling our Counties in a regular method of Government, that so justice may be duely administered, the people preserved in their rights and liberties, and your Honour's expectation from us answered *etc.* *Signed*, John Hill, Wm. Bagwell, Robt. Burton, Richd. Paynter, James Coutts, John Healey, Roolof De Haer, Isaac Gooding, Wm. Roddney, John Brinckloe, Wm. Morton, Arth. Moston. *Copy.*
1 p.
359. vi. Representatives of Pennsylvania to Lt. Governor Evans. *Return thanks* for thy Speech, as also to the Proprietor for his peculiar regards to our interest and

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happyness in the choice of so worthy a person to rule over us, and to our gracious Queen for favouring thy Lieutenancy wth. her Royal Approbation. We are very sensible of thy concurrant endeavours with ours to reunite us with the Three Lower Countys, and that nothing of that is justly chargeable upon any but themselves, as our late answer to their proposalls for a reunion will sufficiently prove. And we are also well assured that the due regulation of the Legislative power is of so great importance to our safety and happyness that wee shall make it our care to settle the same so farr as wee are capeable. But forasmuch as thou hast been pleased to press us to the dispatch thereof and to acquaint us that our Proprietor hath effectually done his part towards our happy establishment, wch. wee woud willingly hope has been in procuring the Queen's Royall sanction to our Laws, which wee humbly desire may be communicated unto us, to the end our present service may be made the more easy, and that we may proceed with the greater alacrity, hoping thou wilt be ready to concur in what may be proposed for that end in relation to each particular interest concerned. As for the expectation of our presenting the Queen with the sum mentioned in the late King's letter we refer to the former Assembly's answer, wch. wee hope the Proprietor has so represented at home, that wee shall not be justly blamed for not raising money at this time for that service, since wee have our own back settlements to secure, and our Friend Indians to ingage. The Proprietor's expectations has been under our serious considerations; and as wee hope the people of this Province have not been wanting in giving ample testimonys of their affections to him on divers occasions of late, so wee shall still continue thankfully to acknowledge his and thy care of us and of our just rights and priviledges, the continuance of which will the better enable us to approve ourselves to the Ministry at home, and also to remove the weight and burthen that may be so heavy upon our Proprietor so far as it concerns the good and advantage of the People of this Province. We assure thee of our sincere affection to thyself, and intend to proceed with all diligence to the despatch of the other business of this Session, intending carefully to avoid passing any votes which may in the worst sence have a tendency to reflect on the Lower Counties on acct. of their separation from us, and heartily wish them all happyness under thy administration in the circumstances and condition the Queen has been pleased to put them, and shall be ready when a fitt expedient is found to reunite, and in the meantime shall use our endeavours to preserve amity and friendship with them as our friends and neighbours, united by common

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interest, tho disjunct in legislation. *Signed*, David Lloyd, Speaker. *Copy*. 1 p. [C.O. 5, 1262. Nos. 83, 83.i.-vi.; and (without enclosures) 5, 1291. pp. 50-54.]

May 31.
Bermuda.

360. Lt. Governor Bennett to the Council of Trade and Plantations. Presuming I do not now suffer in your Lordships' opinions in the affair about Mr. Larkin, I venture to supplicate your Lordships on my behalf, relating to the petition my brother now lays before you, that H.M. may grant me a Commission for Capt. Sandys his Company (he being dead). I have constantly supplied the officers and soldiers, tho money has not been duly returned, and I have always been 6 months out of pockett, and now its near a year, for I have not received any subsistence for the Company since June 25 last, and to support the men (for there is no such thing as credit, for them people are generally soe poor) I have borrowed 400*l*. for which I pay interest, which is very hard considering I have noe manner of advantage by the Company *etc*. *Signed*, Ben. Bennett. *Endorsed*, Reed. Read July 18, 1704. *Holograph*. 2 pp. [C.O. 37, 6. No. 16; and 38, 6. pp. 46, 47.]

May 31.

361. Governor Nicholson to the Council of Trade and Plantations. I received yours of July 29, and return my hearty thanks for all your continued favours to me *etc*. I gave S. Tompson a Commission pursuant to H.M. Order, and shall give him encouragement according to your letter of Aug. 10. I transmit the Journals of Council and Assembly herewith. I'm heartily sorry that H.M. commands about New York could not be complied with, but I should fail in my duty to H.M. and your Lordships, if I did not humbly represent the general aversion there is against supplying H.M. Province of New York from hence, either with men or moneys, but more particularly at this time, for a great many of ye inhabitants have very bad accounts from England of their tobaccos, and ye Merchants write them yt. they are rather like to have worse than better. And here hath been a bad spring for ye plants, and except, please God, there comes some seasonable weather next moneth and ye beginning of July, there will be but indifferent crops: and here will be 4 or 5,000 hhds. of tobacco left and but one Bristol ship in York River. Here is a scarcity of goods, and they will be much wanted next winter, except supplies come from England. I am heartily sorry yt. ye merchants can't agree there about sending ye Fleets hither. And I'm fearfull that some will endeavour to hinder ye Fleets coming hither ye next Fall, or early in ye Spring: and if they should succeed therein, it will be very prejudicial to H.M. interest and service here. *Refers to proceedings of Assembly in relation to trade*. And I hope in God that what I have done therein, as likewise concerning H.M.S. *Drednought* and *Fowey etc*. will not be displeasing to your Lordships. I most humbly propose that H.M. would please to suspend her royal commands about ye assistance to be given to New York till, please God, the people have better accounts

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of their affairs : for my own part according to my duty, I shal be most ready to serve H.M. not only in yt. affair, but in all others with my life and fortune. Mathew Page dying, and there yn. being but 8 of the Council in ye Country, I appointed John Smith, and beg your Lordships to move H.M. yt. he may be continued. I propose that John Lewis may be ye next. I begin now to look for Mr. Secretary Jennings, with your commands. I could heartily wish yt he was arrived in a man of war to attend this Government ; for we shall have never a man of war within ye Capes after ye Fleet is sailed *etc.* I thank God that this H.M. Colony is in peace and quietness. *Signed*, Fr. Nicholson. *Endorsed*, Read 9th, Recd. 23rd Aug., 1704. 1½ pp. *Enclosed*,

361. i. Address of the Governor, Council and Burgesses of Virginia to the Queen, 1704. Loyal Address, thanking H.M. for "bestowing her royall picture upon this poor Colony," *etc.*, *etc.* 55 signatures. *Endorsed*, Recd. Aug. 9, 1704. 1 p.
361. ii. List of tithables of Virginia, 1704. *Totals*, Tithables, 26,928. Pds. of tobacco, 228,882. *Signed*, Wm. Randolph, jr., *Endorsed*, Recd. Aug. 9, 1704. ¾ p.
361. iii. List of Patents for land granted in April General Court, Virginia, 1704.

<i>County.</i>	<i>Grantee.</i>	<i>Acres.</i>
Essex	Andrew Harrison ..	1,100
Elizabeth City ..	Tho. Poole	474
Charles City ..	Robert West	298
New Kent	Francis Clark	282
Gloucester	Robert Porteus	692
Essex	Andrew Harrison, <i>etc.</i> ..	813
"	John May	191
"	Tho. Tinsley	1,400
"	Thomas Tinsley	1,000
"	Wm. Scott	156
"	Edward Merrick	1,014
"	John Ridsdaile	92
"	John Cook	47
"	Wm. Lowry	1,044
"	Wm. Johnson	550
"	John Coleman	1,200
"	Robert Brookes	650
"	Tho. Gregson	37
Nansemond	Christopher Gewin	900
King William ..	Edmund Smith	150
Nansemond	James Doughty	308
King William ..	Wm. Bassett	1,000
New Kent	Geo. Lovell	1,100
York	Wm. Pattison	300
Charles City ..	Robert Mumford	50
Nansemond	Lewis Conner	90
King and Queen ..	Edward Lewis	400
King and Queen ..	Robert Dowglass	150
Gloucester	Anne Forrest	200

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<i>County.</i>	<i>Grantee.</i>	<i>Acres.</i>
New Kent ..	Evan Jones	472
Gloucester ..	Wm. Collawns	62
„ ..	Wm. Thornton	110
„ ..	Dunkin Bohannon	145
„ ..	James Ranson	40
New Kent ..	David Clarkson	100
„ ..	Tho. Butts	296
Charles City ..	Joan Liscomb	432
Essex ..	Clara Robinson	860
„ ..	Benj. Robinson	655
<i>Endorsed as preceding. 1 p.</i>		
361. iv. Mr. Auditor Byrd's Account of the Quit-Rents, 1703. Total, 5,978 <i>l.</i> 16 <i>s.</i> 2 <i>d.</i> <i>Endorsed as preceding. 2 pp.</i>		
361. v. Mr. Auditor Byrd's Account of the 2 <i>s.</i> per hhd., Oct. 25 1703—April 25, 1704. Total, 2,210 <i>l.</i> 5 <i>s.</i> 8½ <i>d.</i> <i>Endorsed as preceding. 2 pp.</i>		
361. vi. Mr. Treasurer Robert Carter's acct. of the Imposition on liquors, servants and slaves. April 28, 1704. <i>Endorsed as preceding. 2 pp.</i>		
361. vii. Mr. Carter's Account of H.M. Revenue, 1703. By cash paid on warrants for salaries <i>etc.</i> + balance, 334 <i>l.</i> 10 <i>s.</i> 3 <i>d.</i> =2,037 <i>l.</i> 4 <i>s.</i> 9½ <i>d.</i> By Liquor Duty, 966 <i>l.</i> 17 <i>s.</i> 2 <i>d.</i> , and duty on servants and slaves, 329 <i>l.</i> 3 <i>s.</i> 1½ <i>d.</i> ; balance brought forward, 741 <i>l.</i> 4 <i>s.</i> 6 <i>d.</i> =2,037 <i>l.</i> 4 <i>s.</i> 9½ <i>d.</i> <i>Endorsed as preceding. 2 pp.</i>		
361. viii. Transcript of the proceedings of Assembly of Virginia in relation to trade, April, 1704. <i>Endorsed as preceding. 5 pp.</i>		
361. ix. Transcript of letters, Orders of Council <i>etc.</i> relating to H.M.S. <i>Dreadnought</i> and <i>Fowey</i> . <i>Endorsed as preceding. 15 pp.</i> [C.O. 5, 1314. Nos. 21, 21.i.-ix.; and (without enclosures) 5, 1361. pp. 8-16.]		

May 31. **362.** Governor Nicholson to [the Earl of Nottingham?]. Your Lordship's letter of July 22 I had not the honor to receive till ye latter end of March last, because Capt. Evans, Commander of H.M.S. *Dreadnought* did not arrive here before yt. time, having been forced to Barbados. Your Lordship may be assured that I will bot[h] chearfully and punctually obey H.M. commands concerning ye Captains of H.M. men of war, by using of you with all civility *etc.*, and I hope that none of you can justly accuse me of doing otherwise. Capt. James Moody may have reported otherways, but I appeal to ye Journals of ye Council, and I think yt. several of his actions here were arbitrary and illegal. And I now send to our Agent Mr. John Thraile copys of papers which can prove ym. *Encloses Journals of Council etc. Signed, Fr. Nicholson. Enclosed,*

362. i. Governor Nicholson to the Council of Trade and Plantations. May 31. *Duplicate of following. 2 pp.*

362. ii. List of Laws, Journals *etc.* sent by Sir Thomas Lawrence, Bart., to the Secretary of State. ¾ p.

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362. iii. List of Acts of Virginia, passed April, 1704. 1 p.

362. iv. List of enclosures, Acts, Minutes of Council *etc.* sent to Lord Nottingham. 1 p. [C.O. 5, 720. Nos. 1, 1.i.-iv.]May 31.
Annapolis.

363. Copy of proposals made to Governor Seymour by Andrew Tonnard, Shipwright, for supplying H.M. Navy with timber from Maryland and for erecting a yard for building ships of war *etc.* in the River of Pattuxent, at 4*l.* per tun, the price in England being 7*l.* or more. All the workmen to be employed must be sent from England *etc.* *Subscribed*, I refer these proposals to Sir T. Lawrence that he may lay it before H.R.H. and the Council of Trade and Plantations. *Signed*, Jo. Seymour. *Endorsed*, Reed. Read Aug. 18, 1704. 4½ pp. [C.O. 5, 715. No. 79.]

May 31.
Whitehall.

364. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclosing* draughts of letters to Governors, which, according to directions from the Lord Treasurer, we have drawn up for the better securing H.M. and the Lord High Admiral's shares of prizes in the Plantations, for H.M. signature. *Annexed*,

364. i. Drafts of Letters to Governors. Begins as Feb. 16 *Concludes* :—"And we further charge and command you that you cause due care to be taken that all Commanders of our ships to [?] *do*] deliver up the Prizes by them taken and brought into any Port within your Government into the possession* of such Officers for Prizes as are properly appointed and authorized to take charge of the same, and that all persons be required to be aiding and assisting to the said Prize Officers in preventing embezzlements and recovering of prize goods, which may happen to be embezzelled and concealed, as well as in the execution of all orders to them directed, in relation to prizes by any Court of Admiralty legally established by our High Admiral in our sd. Plantations." [C.O. 324, 8. pp. 450-450.b.]

May 31.

365. Circular Letter from the Queen to the several Proprietary Governments in America [*sent to Mr. Secretary Hedges, May 31*]. Whereas complaints have been made to us of abuses in the Courts of Admiralty in the Plantations, and of irregularities in the disposition of prizes brought into our said Plantations by our ships of war, privateers or others with letters of marque. For prevention whereof we strictly charge and require you, that you take care as far as in you lyes, that all persons whatsoever within our ^{Colony} _{Province} of ——— be obedient to such orders and instructions as shall be received from time to time from our High Admiral, and that they be aiding and assisting to our Officers, and the Officers appointed by our High Admirall in the recovery of our dues, as also of those of our High Admirall

1704.

in cases of prizes and Admiralty Causes according to our declaration for the encouragement of our ships of war and privateers, and for maintaining the rights of our Admiralty. And whereas our further pleasure is, that all Commanders of our ships do deliver up the prizes by them taken and brought to any Port within our said Colony [*Province*] of ——— into the possession of such Officers for Prizes as are properly appointed and authorized by us to the charge of the same, we do hereby require all persons within that our said ^{Colony}_{Province} to be aiding and assisting to the said Officers, in preventing embezelments and recovering of prize goods, which may happen to be embezzled and concealed, as well as in the execution of all orders to them directed, in relation to prizes by any Court of Admiralty legally established by our High Admirall in our said Plantations. [*C.O.* 5, 1291. *pp.* 37–39.]

[June 1.] **366.** Mr. Hyde to the Council of Trade and Plantations. Provost Marshal General of Jamaica, he prays the assistance of the Board in the recovery of his dues from his deputies there. *Signed*, Edward Hyde. *Endorsed*, Reed. Read June 1, 1704. $\frac{3}{4}$ p. [*C.O.* 137, 6. *No.* 49.]

June 2. **367.** Sir C. Hedges to the Council of Trade and Plantations. H.M. desires your opinion which way a premium for encouraging merchants to begin a trade for pitch, tarr etc., may be advanced with the least burthen to the Publick, the raising of the duty on the Suedes or other Forrainers being a dangerous experiment at this time, when it is so difficult to gett any Navall Stores. *Signed*, C. Hedges. *Endorsed*, Reed. Read June 9, 1704. 1 p. [*C.O.* 5, 863. *No.* 97; and 5, 911. *p.* 338.]

June $\frac{3}{14}$. **368.** Governor Sir Wm. Mathew to the Council of Trade and Plantations. I am proceeded thus far on my voyage and continue it on to-morrow, no accident has hapened since wee left Sir Cloudesly Shovell etc. *Signed*, Wil. Mathew. *Endorsed*, Reed. Read Oct. 3, 1704. *Holograph*. 1 p. [*C.O.* 152, 5. *No.* 72; and 153, 9. *p.* 41.]

June 3. **369.** Mr. Secretary Hedges to the Council of Trade and Plantations. *Enclosing* abstract from letter from one come lately from St. Malo, where he has observed that intelligencies from letters taken upon H.M. subjects who are made prisoners and brought from the West Indies may be of dangerous consequence to H.M. Plantations. It is H.M. pleasure that you should think of a remedy for that inconvenience, and what may fitly be done to prevent letters from the West Indies from falling into the enemies' hands. *Signed*, C. Hedges. *Endorsed*, Reed. Read June 9. 1 p. *Enclosed*,

369. i. Abstract from letter referred to in preceding. $\frac{3}{4}$ p. [*C.O.* 323, 5. *Nos.* 52, 52.i.; and 324, 8. *pp.* 451–453.]

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June 6.

On board
H.M.S.
Dreadnought
in Linhaven
near
Cape Henry.

370. Governor Nicholson to the Council of Trade and Plantations. I have received enclosed letter from Mr. Moor *etc.* [See May 23.] Inclosed is a list of the fleet, being those that have received sailing Instructions from the Commadore, but I believe there may be more, for some masters neglect to take sailing orders. By the Commanders that are come down from Maryland, I have an account that there are 8 or 9 of their ships left behind. The Commanders are very much concerned that the two men of war designed as an additional convoy are not come in *etc.* Signed, Fr. Nicholson. *Endorsed*, Recd. 9, Read 23, Aug. 1704. 1 p. *Enclosed*,

370. i. List of ships under convoy from Virginia to England. June 1, 1704. *Totals*, Ships, 127, Burthen, 21,797 (tons), guns 938, men 1985. 2 large pp.

370. ii. Line of Battle of above fleet. *Endorsed*, Recd. Aug. 9, 1704. 1 p.

370. iii. Sailing Instructions of above fleet. *Same endorsement*. 1 p.

370. iv. Another copy of No. ii with slight variations. [C.O. 5, 1314. Nos. 22, 22.i-iv ; and (without enclosures) 5, 1361. pp. 16-19.]

June 7.

371. Dr. Blair to the Council of Trade and Plantations. In compliance with your Lordships' directions I give some instances of those things which were more generally charged against Governor Nicholson. (1) Acting without advice of Council in matters of the greatest moment. I find 3 Naval Officers nominated by him since I came last upon the Council, all without advice of Council, Hancock Custis, Gawin Corbin and Major Arthur Allen ; Capt. Nath. Harrison being removed to make way for the latter, without fault alledg'd or advice of Council. *Refers* to warrants said in the Council Book to be signed by the Governor in Council, but they were not read to the Council. Examples of Justices of Peace, Sheriffs, Militia Officers *etc.* turned out by the Governor without advice of Council were Col. Nasworthy, Dr. Luke Havill, Major Thomas Swan, and Capt. Henry Jenkins of the Court of Nanzemond ; John Walker, Sherriff of King and Queen County, and Daniel Sullivan, John Taylor and Robert Beverley, Clerks. That the practice was otherwise formerly may be seen by the Minutes of Council. Examples of nomination of Agents for the Country paid out of the Revenue without advice of Council are, Mr. Thrale, and Mr. Wright. Many Proclamations, for instance one concerning land on Pamunkey Neck, were published without advice of Council. The Governor also countermanded on his own authority an order by himself and Council throwing open the Blackwater land.

(2) Instances given of the Governor signing papers in Council without having communicated them. (5) Altering the minutes *etc.* e.g. May 9, 1699, concerning a proclamation about the Blackwater lands, quite contrary to the unanimous opinion of the Council. No notice is taken that the Council refused Mr. Thrale for Agent. Mr. Wallace's answer, which he gave in

1704.

writing, is not there set down, but another very different from it. My Lord Cornbury's receipt for the 900*l.* bills is ordered to be put upon the Council Book, but nowhere appears ; if it had, it would have been seen that my Lord Cornbury was not to make use of them, unless the Queen should first allow the Governor the money out of the Quitrents of Virginia etc. (6) His encroaching on the liberties of the Upper House of Assembly, is instanced by his continually presiding in that House, by sending answers of his own to the messages of the Burgesses to the Council ; and brow-beating and threatening members with ruin and cutting of their throats, if they vote not as he would have them ; e.g. Col. Lightfoot, not to mention the Speaker and six or seven clerks in 1700. (7) Obstructing the course of Law. Instance the case of John Danzy. He grossly abused him, upbraiding him with his country, for he was a German naturalized, and threw out his business in passion without asking any advice of the rest of the Court. Case of Capt. James Bray. The Governor pleaded against him from the Bench, and flew into great heats and passions. In case between Swan and Wilson, he did so grossly abuse Benj. Harrison, Counsel for Swan, that everybody cried shame of it *etc.* (8) The Sherriff to whom orders was given about packing a Grand Jury was Henry Tyler ; one of the persons struck out was John Walker ; the fine I mention to have been remitted was to Major Waller. The Naval Officer's place was given to Major Allen Foreman taken from Capt. Nath. Harrison. (9) Instances of arbitrary commands to attend him : Mr. Wallace, and Major Swan ; Col. Ludwell and myself have been very often sent for only to be scolded at and abused. (10) Calling Courts to enquire into the lives of such men as he intends to expose or ruin, when there is no accusation or accuser. Instances : a Court called at Kiquotan against Capt. Moody and Mr. Wallace, and another at Nanzemond against Major Swan, a third at King and Queen against Capt. Walker. (11) Arbitrary and illegal proceedings with relation to H.M. Attorneys. The ordinary Attorney who refused his commands as illegal was Mr. Benj. Harrison ; the Attorney that undertook them was Samuel Selden ; the Attorney whom the Governor took by the collar was Bartholomew Fowler. (12) Instances of his committing men to custody in his rage without any complaint or complainant ; Capt. George Marable, whom he committed to the custody of the Sherriff of James City, made him give 500*l.* bail to answer it at the next General Court, because he refused to part with his lease ; Mr. Mathews and Mr. Mackie, whom he imprisoned among pyrats in the Common Gaol, because they had been on board of Capt. Baylyff's ship, who sailed for England before the rest of the ships, who carryed ye Governor's acct. of the taking a pirate in that country. (13) Sundry cases of detaining and opening private letters. (15) Dispensing with the Law. He pardoned Anne Tandy, condemned for the murder of a bastard child, *etc.* Signed, James Blair. Endorsed, Recd. Read June 7, 1704. 5 large pp. double columns. [C.O. 5, 1314. No. 23.]

1704.

June 7.

372. Affidavit of Robert Beverley. Gives particular instances, partly as preceding, in support of his affidavit concerning the maladministration of Governor Nicholson. *Signed*, R. Beverley. 3 pp. [*C.O.* 5. 1314. No. 24.]

[June 7.]

373. Abstract of letters from Mr. Jackson, Minister at Newfoundland, showing the uncertainty of his salary and suggesting how it may be better paid. *Endorsed*, Communicated to the Board by the Bishop of London. Recd. Read June 7, 1704. 2 pp. [*C.O.* 194, 3. No. 23.]

[June 7.]

374. Copy of proceedings of the Governor and Council of the Massachusetts Bay upon a petition relating to the Act *for the settlement and support of Ministers*, and an account of the distraining for a town rate therefor upon William Vesey etc. [See Minutes of Council of the Massachusetts Bay Oct. 21st, 28th, 1703.] *Endorsed*, Communicated to the Board by the Bp. of London. 4 pp. [*C.O.* 5, 863. No. 100.]

June 8.

Barbados.

375. A. Skene to W. Popple. *Encloses* duplicates and Naval Officers' Accts. I have not heard anything from Mr. Holder of the paper, of which I am in great want etc. *Signed*, A. Skene. *Endorsed*, Recd. Read Nov. 13, 1704. *Addressed*. *Postmark*. 1 p. [*C.O.* 28, 7. No. 34; and 29, 9. p. 86.]

June 9.

Whitchall.

376. W. Popple to J. Burchett. Mr. Jackson, the Minister at Newfoundland, having complained of the treatment he had met with from the former officers and soldiers, and even from some of the inhabitants there, the Council of Trade and Plantations desire you to move H.R.H. Council that the Commodore may have an Instruction that he give all encouragement to the said Minister, and that he give directions to the officers, soldiers and inhabitants to live amicably with him; that he be not abused as formerly he has been. *Enquires* when the Newfoundland convoy and Virginia guardship will sail. [*C.O.* 195, 3. p. 331.]

June 9.

377. Mr. Thurston to Mr. Popple. The convoy for Newfoundland is expected in the Downs to-day, and to proceed on her voyage. If this be the case I fear no money will be remitted this year, though ordered last Tuesday by the Lord High Treasurer etc. The provisions and cloaths are on board, and the money in lieu of malt and hops ready to be sent. *Signed*, J. Thurston. *Endorsed*, Recd. Read June 9, 1704. *Addressed*. 1 p. [*C.O.* 194, 3. No. 24; and 195, 3. p. 333.]

June 9.

Admiralty
Office.

378. Josiah Burchett to William Popple. In answer to preceding, H.R.H. will give orders to the Commander in Chief of H.M. ships at Newfoundland, to give encouragement to Mr. Jackson the Minister there, according as is desired in your said letter, which orders will be sent by the *Coventry* now in the Downs, she being under orders to sayle from thence to Newfoundland and to call at the Western Ports as she goes out of the Channell,

1704.

if there be any ships there bound her way. The *Strombolo* is fitting out at Deptford in order to proceed to Virginia, but 'tis uncertaine yet when she wilbe ready. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 12, 1704. *Addressed*, 1 p. [C.O. 194, 3. No. 25; and 195, 3. p. 332.]

[June 10.] **379.** Mr. Byerley's Journal of transactions relating to the seizure of the *Eagle galley*, not taken notice of in the Acts of the Court of Admiralty, New York. On March 22 I made a seizure of the *Eagle galley*, Capt. John Davison, Commander, and had H.E.'s approval, it appearing that there was no proof that great part of European goods imported were shipped in England; that divers other European goods were not directly brought from England hither but were shipped from the Madera Islands; that several pipes of Canary wines, European produce, were imported in breach of the Act of 15 Charles II; that the ship was navigated with 42 sailors though but 30 reported, 10 whereof were Scotch non-residents in England, 7 Dutch and 1 Spaniard, in the whole 18 forreiners, whereas there ought to be by all the Laws of Trade at least three fourths of the mariners English; her master could not produce any certificate to prove that the ship was registered in England or elsewhere, and had not given in a true invoice of her loading to the Naval Officer, but had concealed divers French and European goods to the value of about 700*l*. On the 24th, having intelligence that Col. Wenham, one of H.M. Council, and the merchant to whom the galley and her cargo was consigned, designed to petition H.E. in Council concerning the said seizure, I waited on H.E. with some proposals in case security should be offered for the ship and cargo;—that Col. Wenham should give very good security besides his own for the goods, that he keep a true account of the goods imported, sell them to the best advantage, account for them upon oath if required, pay the money arising thereby to the Collector, if the ship and goods be condemned, and that if he desired to proceed on any voyage, with the ship, that a true value be put on her and her rigging, and another obligation be given for the same if condemned. I offered to attend in Council, but H.E. said he only intended to hear what Col. Wenham had to offer, but would give no directions till he had discoursed me about itt. Betwixt 2 and 3 o'clock Col. Wenham brought me an order in my Lord's own hand to take the seizure off all the goods, except the Canary wines and the ship, for which Col. Wenham must give security. I waited on H.E. to offer my reasons why the seizure ought not to be taken off, seeing that the master had violated most of the Acts of Trade. H.E. told me that he was the only judge of that, that he understood the Laws of Trade as well as any Lawyer in the Province; that he was my Governor, his orders were positive, and if I disobeyed them, itt should be att my perill *etc*. I accordingly obeyed. *March* 27. Having had further intelligence of several particular breaches, I put in an Information into the Court of Admiralty and presented a memorial to H.E. He asked to see my Instructions, and said they consisted generly

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of the Laws of Trade and that he understood them as well as anybody. I told him I could not see how to avoid trying the ship in the Court of Admiralty. He answered that he being Governor would not permit any Court to sit but when he appointed itt. I told him that having put in an information against the ship and goods I was become accountable for them to the Queen, soe I thought it my obligation to make a second seisure. He told me that if I did, he would order it to be taken off. *March 29.* I went with my officers to Col. Wenham's and made a second seisure on all the goods imported in the *Eagle* galley, and sent for Carts to remove them to the Custom house; but H.E. summoned me to attend him at the Fort, and whilst I was gone Col. Wenham turned my officers out of his house. I found my Lord in very great heat against me, and told me he would acquaint the Queen that I refused to obey his orders, and sent me an order in writing by Col. Wenham to take off the seisure. I answered that I could not comply, unless Col. Wenham gave in security for all the goods, that if condemned, he would be accountable for their produce. *March 29.* Col. Wenham showed me H.E. order to Capt. Tottle, Mr. Anderson, Capt. Corbett and Capt. Lurting to make a valuation of the Canary wines, the *Eagle* and her tackle. *April 3.* I waited on Roger Mompesson, Judge of the Admiralty Court, arrived from Philadelphia, to know when he would hold a Court. He answered he would consult my Lord. *April 6.* I had notice that an advertisement was put up in the public Coffee-house that several sorts of European goods imported in the *Eagle* were to be sold at publick vandue. *April 8.* The Judge appointed to hold a Court of Admiralty in the City Hall at 4 p.m., when Counsel argued, and at last the Court admitted Sir Jeffery Jefferys Deft. Col. Thomas Wenham stipulated in 30*l.* to pay what costs the Court should award. *April 14.* The Court upon affidavit made by Capt. John Davison that they had several material evidences in England to make their defence, desired time to produce them, upon which the Court allowed them 12 months' time, giving in sufficient security for the Canary wines, ship, guns and tackle, and appointed Capt. Tottle and Mr. Anderson to appraise the same. I waited on H.E. and informed him that the European dry goods were still unadjudged, and desired that there might be sufficient security given in for them, if they should be condemned. He told me he had adjudged them himself and taken the security he thought fit. I represented that by the several Acts of Parliament I was invested with a third part of the forfeiture, if the ship should be condemned, and that no security appeared to me for my part; he told me it was sufficient he had told me had taken security, that he did not think it convenient to let me know what it was, or how it was, that I had opposed his orders and carried the matter as far as I could, but I should know he was my Governor. In the afternoon the Court sat and agreed on the form of the Bond, which Col. Wenham and Col. Peter Schuyler signed. *April 15.* Then we moved for a Commission to examine witnesses on interrogatories, which was allowed us by the Court to Mathew Ling and Capt. Cholwell,

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Commissioners, and John Tuder Examiner. *April 19.* Mr. Tuder, Register of the Admiralty Court, brought me the record of the proceedings in this tryall, in the latter part of which the Judge orders the seizure to be taken off the Canary wines, ship *etc.*, so I sent my officers on board to take off the seizure, and search the ship if any goods remained on board, where they found a trunk with French lustrings and allamods, which were not mentioned in the report gave into ye Navall Officer by ye Master, tho' inserted in the entry Col. Wenham made in the Custom House, valued in 36*l.* 3*s.* 5*d.*, and a bale of strouds which had been opened on board, which according to my order they brought to the Custom House. I acquainted H.E. therewith; he told me that the Council was to sit that day (*April 20*), and when they were up he would consult Mr. Attorney General. *April 21.* H.E. told me those were prize goods taken from the enemy and brought into England by Capt. Richard Eaton, and sold at a public sale in the Custom House, and there was a certificate of it from the Collector in London, so ordered me to deliver up all the goods I had in my possession, which I did. *April 25.* I went to the Register of the Court of Admiralty for the Commission granted by the Court to examine witnesses. He told me H.E. was not satisfied that the Judge of the Admiralty had any power to depute any person to administer an oath, or any other person in the Province but himself, and that he would think of it before he would grant it should be sealed. *April 28.* I went to ye Register again for the Commission, and he told me had represented to H.E. that the witnesses I had to examine were most of them seafaring men, and might be gon out of the Province, if it was not despatcht speedily, that his Lordship should answer he cared not if they did goe, and since he was soe prest to it, he would consider whether he would doe it, or noe. *May 10.* I again required the Commission of the Register, and he told me that H.E. would not permit it should be sealed. He always keeps the Seal of the Admiralty in his possession, soe nothing can be done without his free consent. *Signed, Thom. Byerley.* 10½ *pp.* *Enclosed,*

379. i. Proceedings at a Court of Admiralty, New York, April 8th, in the case of the *Eagle* [see *preceding*]. 9 *pp.* [*C.O.* 5, 1084. *Nos.* 22, 22.i.]

June 10.
Bermuda.

380. Lt. Governor Bennett to the Council of Trade and Plantations. *Repeats* part of letter of April 20. I again transmit the old Liquor Act with the Assembly's Depositions relating thereunto. I have not received any letters since those of July 28, and if any commands have been sent via Barbados, they are still there, for we have not had one vessell that came directly from thence above these six months, which is the reason my letters have not been sent. I am told Capt. Nelson has or will complain of my denying him writts of error, and about writts of scire facias, (and to ease your Lordships from being troubled with what may not happen) I have sent my brother a full state of both cases, with copies of the writts, who will readily attend your Lordships

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when sent for. Jan. 11 and Aprill 20, I transmitted copys of the tryals of Capt. Pulleyn's men. I again enclose copys of the condemnation and sale of the *St. Lawrence the Victorious*, which I have likewise transmitted to the Admiralty. Having received an account that the dispute is over relating to the pretensions of the Wreck Patentees to the French ship that was cast away on the shoales of these Islands, I intended to send your Lordships an account of every peice of rigging that was saved, and what quantity of logwood was taken up by Divers, But expecting my Secretary's arrival every day from England, I thought it convenient to delay it, he taking an account of what was brought on shoar, therefore can best swear to the Inventory. Herewith are also transmitted what Acts have been made by the present Assembly with their Journals, and copys are preparing of the Journals of former Assemblys. By the Master of a vessell that came from Exuma, I have an account that the *Granville*, Capt. Holden Commander, was on May 4 rakeing salt there, and a French privateer sloop came into the Road under English colours, the ship fired at her and brought her too, but immediatly she fill'd her sailes again, and hoisting English colours stood for the ship, and upon boarding (after some small resistance) took her. The ship had 16 guns and 50 men, the privateer had but 4 guns and 60 men: this ship was fitted out from England in order to look for wrecks about the Bahama Islands, but being disappointed in that project, went to Exuma to take in salt, thereby to make a saving voyage. Not knowing att present what further to acquaint your Lordships of, and the Captain of the ship that brings this pressing for liberty to sail, I was going to make up my paquet, when a sloop arriv'd from Barbados and brought me yours of Nov. 25, every particular in which I will answer (and hope to satisfaction) by the paquet-boat via Barbados, but with great concerne I can't omitt observing I still suffer in your Lordships' opinions. In it was enclosed H.M. Order of Councill relating to H.M. the Lord High Admirall's and the Captors' shares of prizes, in obedience to which I have (as I did Aprill 20) transmitted an account of the vessell taken by Capt. Ball, *etc.* Signed, Ben. Bennett. Endorsed, Recd. Read July 18, 1704. *Holograph. 3 pp. Enclosed.*

380. i. Copy of the condemnation of the French prize, the *St. Lawrence the Victorious*, Bermuda, Dec. 28, 1703. Endorsed as preceding. 2½ pp. [C.O. 37, 6. Nos. 17, 17.i.; and (without enclosure) 38, 6. pp. 48-53.]

June 10. 381. Memorandum of Letter from Mr. Sansom about duties on pitch and tarr *etc.* ¼ p. [C.O. 323, 5. No. 57.]

[June 12.] 382. Paper entitled Part of Governor Nicholson's letter to Micajah Perry, July 30, 1703. I have writt both to Mr. Povey and Col. Blackistone, if they think fitt to give some guineys, and to imploy persons that what the charge may be may call upon you for it, and place to my account *etc.* Pray call on Mr. Warr at my Lord Nottingham's and Mr. Tucker at Mr. Secretary

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Hedges, and acquaint them that if they will be pleased to do anything in my affairs, I have desired you not only to pay the necessary charges, but also to gratify them. Pray if you find it in the least necessary in this or other things to order ye Bishop of London's Chaplain or Secretary what needfull, as likewise at the Plantation Office, Admiralty, or any other office or person that you shall think necessary to give mony or presents to. *Endorsed*, Recd. from Robert Beverly. *Endorsed*, Recd. Read June 12, 1704. 1 p. [C.O. 5, 1314. No. 25.]

June 12. **383.** Mr. Thurston to [? Mr. Popple]. I have not yet been able to obtain payment of the money for the soldiers at Newfoundland. Sailing orders will be dispatched to-morrow at furthest. Deal being so very unlucky a place as not to admit of any returns, a minute's delay may put it out of all power of sending anything this year. The ordinary method of sending the specie is by water by some of the Deal hookers; that appears so hazardous to me, as well as uncertain, that I propose it's going by land rather with 2 horse granadiers to protect it. The overcharge may well be borne out of the 50*l.* contingent money. *Prays* for the delay of the sailing orders. *Signed*, J. Thurston. 1½ pp. [C.O. 194, 3. No. 26.]

June 12. **384.** Mr. Thurston to Mr. Popple. I have now received the 7 a clock money *referred to in preceding*. *Signed*, J. Thurston. *Endorsed*, Recd. Read June 12, 1704. 1 p. [C.O. 194, 3. No. 27; and 195, 3. p. 333.]

June 12. **385.** W. Popple, jr., to Josiah Burchet. *Upon receiving* above, the Council of Trade and Plantations desire you to move H.R.H. Council that sailing orders to the convoy for Newfoundland be not sent till Thursday next. [C.O. 195, 3. p. 334.]

June 13. **386.** Sir C. Hedges to Governor Nicholson. It being now Whitehall. more difficult than formerly to gett pitch, tarre and other Navall Stores for the use of H.M. Fleet, it has been proposed to procure such quantities of them as may be had in H.M. Plantations. You are therefore to give your opinion what may be done in Virginia in that particular. *Signed*, C. Hedges. [C.O. 324, 30. p. 6.]

June 13. **387.** Council of Trade and Plantations to the Queen. In Whitehall. obedience to your Majesties order in Councill of March 9, upon the Petition of Peter Vanbelle, relating to some negroes of his, seized at St. Christophers, and condemned at a Court of Admiralty at Nevis in May 1699, and praying that the Governour of the Leeward Islands may be directed to transmit copies of the Proceedings of the said Court of Admiralty in order to the hearing of his Appeal before your Majesty in Councill, we have considered the same. *Quote opinion of the Attorney General*. [See May 23.] Whereupon we humbly offer that a letter be writ to Governor Sir W. Mathew, directing him to enquire thereinto, and in case

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he do finde the said Court was held by virtue of his late Majesties Commission for the sentence given by the President and Councill of Nevis as the Councill there, that then he transmit authentick copies of the Proceedings of the said Court in the usual manner, in order to the hearing of the Appeal before your Majesty in Councill, whereof he is to give due notice to all parties concern'd in the Leeward Islands ; but if he finde that the said Court was held by authority from the Admiralty, we are humbly of opinion that the Petitioner be left to proceed as in cases belonging to the Court of Admiralty. [*C.O.* 153, 8. *pp.* 312-314.]

June 13.
Whitehall.

388. Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order in Council of March 30, last, upon the petition of six Members of Council of Virginia, we have been several times attended by Mr. Commissary Blair and others concern'd on that side, who have delivered to us severall papers and affidavits in proof of their particular complaints, and we have been attended by the Agent of Col. Nicholson, who having made some reply to the said accusations desired to be referred to such further answer as Col. Nicholson should make upon his receiving the said affidavits and papers ; whereupon, tho' the matters laid to Col. Nicholson's charge be of a high nature yet we are humbly of opinion that it is for your Majesty's service that such persons who have the honour to be commissioned by your Majesty in the Government of your Plantations, may not fall under your Majesty's displeasure before they be made acquainted with the matter laid to their charge, and have an opportunity of making their defence, and whereas the said Agent is dead since our receiving the said papers, so that there is no person here to appear in the Governor's behalf, we do therefore most humbly offer that your Majesty direct that the Petition, affidavits *etc.* be forthwith transmitted to such of your Majesty's Councill, inhabitants of Virginia, as have not signed the accusations, that they may communicate the same to Col. Nicholson, in order to his making his defence, and that the said Counsellors, or any three of them, may be directed and empowered by letters under your Majesty's signet and sign manual, to receive all testimonies and affidavits either for making good the accusations against Col. Nicholson or tending to his vindication, to be transmitted hither for your Majesty's final determination. And that Col. Nicholson be strictly enjoyn'd by your Majesty's letters not to overawe or discourage any persons whatsoever by threats or otherwise from giving their testimony or evidence in these matters. And that in case the proofs and evidencies in this matter be such as shall make it appear necessary for Col. Nicholson to come to England in order to his justification, your Majesty give him leave to attend your Majesty accordingly, and that a Commission be sent at the same time to Col. Seymour, your Majesty's Governour of Maryland, constituting him Commander in Chief of Virginia, for the taking care of that Province in the absence of Col. Nicholson, or until your Majesty's further pleasure be known. [*C.O.* 5, 1360. *pp.* 479-482.]

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June 14.
New York.

389. Mr. Ingoldesby to the Earl of Nottingham. After 15 weeks bad weather, I came to Virginia Jan. 9 in the *Foway* friggot, having lost company with ye rest of ye fleet, ye *Dreadnought*, wch. was our Commodore, on whom was Governor Seymour, was forced to bare away for Barbados for want of water, and did not arrive in Virginia until ye middle of April, but all in health. I being taken ill of an ague and fever could not get to New York until ye beginning of March. Lord Cornbury has been very civill and kind to me, ordered my Commission for Lieut-Governor to be published in Council ye next day after my arrival; his Lordship's great prudence and steddy conduct has almost extinguished ye divisions yt. were amongst ye inhabitants, and is very much in ye esteeme of ye people, especially ye better sort, who talk very kindly of his Lordship, and are willing to use their uttermost endeavours to make him happy and easy in his Governmt., ye debts contracted by his predecessor amounting to at least 12,000*l.* are a great subject matter of complaint, the necessary things of the present warr and defence of the Province makes a constant demand of fresh supplies from the People, and the staple of ye country, ye manufactory of flower, being of little value all this warr, a stop being put to ye consumption thereof in ye Spanish West Indies, has much impoverished the inhabitants. The Assembly are now sitting to provide for defence of ye frontiers *etc.* As soon as it is up, H.E. designs for Albany *etc.* I hope your Lordship will be pleased to get some sallary settled upon me. I find the country very inclinable to do for me [*as for Capt. Nanfan*] but they say that H.M. has ordered that no present shall be made *etc.* *Signed*, Rich. Ingoldesby. *Endorsed*, R. Aug. 11, 1704. 3 *pp.* [C.O. 5, 1091. No. 9.]

June 14.
Whitehall.

390. Council of Trade and Plantations to Mr. Secretary Hedges. In answer to yours of 3rd inst., we take leave to acquaint you that we did upon the first declaration of the warr give directions to all the Governours of the Plantations that a weight of lead be fastned to all their packets in order to be thrown overboard in case of imminent danger from the enemy, which we believe has been constantly observed; and have had several instances of it; but as this complaint relates particularly to Jamaica and to merchants' letters, we have consulted Sir G. Heathcote and Sir B. Gracedieu, Agents, and other merchants of that Island, who have promised to write to their friends that they be very cautious in giving any account relating to the publick state and condition of that Island, and that Masters of ships bringing letters for Europe have directions from them to put such letters in a bagg with a sufficient weight to sink the same immediately in case of danger from the enemy, and we are likewise writing to the several Governors of H.M. Plantations that they take the necessary care herein not only for their own letters, but for those also of the merchants and planters. And upon this occasion they have further desired us to represent their own fears and apprehensions of their correspondents, that this important Island will be greatly indangered without a further

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naval strength and a recruit of land forces. [*C.O.* 324, 8. *pp.* 452-454.]

June 15.
Hampton
Court.

391. Order of Queen in Council. Governor Nicholson is to return his answer to the complaints of the Six Members of Council of Virginia [March 30], and to all the affidavits *etc.* presented to the Council of Trade and Plantations relating thereto, copies whereof they are forthwith to transmit unto him for that purpose. *Signed*, John Povey. *Endorsed*, Recd. Read June 16, 1704. [*C.O.* 5, 1314. *No.* 26; and 5, 1360. *p.* 483.]

June 15.
Hampton
Court.

392. Order of Queen in Council. Proclamation, this day read and approved, for settling and ascertaining the current rates of Forrain coynces in H.M. Colonys and Plantations in America, ordered to be forthwith passed under the Great Seal and printed and published; the Lords Commissioners for Trade to cause copies to be transmitted by the first conveyance to ye severall Governors *etc.* *Signed*, John Povey. *Endorsed*, Recd. Read June 23, 1704. 1 *p.* *Enclosed*,

392. i. Proclamation by the Queen, described in preceding. We having had under our consideration the different rates at which the same species of foreign coins do pass in our several Colonies and Plantations in America, and the inconveniencies thereof, by the indirect practice of drawing the money from one Plantation to another, to the great prejudice of the Trade of our subjects; and being sensible, that the same cannot be otherwise remedied, than by reducing of all foreign coins to the same current rate within all our Dominions in America, and the Principal Officers of our Mint having laid before us a table of the value of the several foreign coins which usually pass in payments in our said Plantations, according to their weight, and the assays made of them in our Mint, thereby shewing the just proportion which each coin ought to have to the other, *viz.* Sevill pieces of eight, old plate, 17 dwt. 12 grs., 4s. 6*d.*; Sevill pieces of eight, new plate, 14 dwt., 3s. 7½*d.*; Mexico pieces of eight, 17 dwt. 12 grns., 4s. 6*d.*; Pillar pieces of eight, 17 dwt. 12 grns., 4s. 6½*d.*; Peru pieces of eight, old plate, 17 dwt. 12 grns., 4s. 5*d.* or thereabouts; Cross dollars, 18 dwt., 4s. 4½*d.*; ducatoons of Flanders, 20 dwt. 21 grns., 5s. 6*d.*; ecus of France, or Silver Lewis, 17 dwt. 12 grns., 4s. 6*d.*; Crusadoes of Portugal, 11 dwt. 4 grns., 2s. 10¼*d.*; 3 gilder pieces of Holland, 20 dwt. and 7 grns., 5s. 2¼*d.*; Old Rix dollars of the Empire, 18 dwt. 10 grns., 4s. 6*d.*; the half quarters and other parts in proportion to their denominations and light pieces in proportion to their weight; We have therefore thought fit for remedying the said inconveniencies by the advice of our Council, to publish and declare that from and after Jan. 1st next, no Sevill, Pillar or Mexico pieces of eight, though of the full weight of

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17½ dwt., shall be accounted, received, taken or paid within any of our said Colonies or Plantations, as well those under Proprietors and Charters, as under our immediate Commission and Government at above the rate of 6s. per piece of current money, for the discharge of any contracts or bargains to be made after Jan. 1st, the halves, quarters and other lesser pieces of the same coins to be accounted, received, taken, or paid in the same proportion; And the currency of all pieces of eight of Peru, dollars, and other foreigne species of silver coins, whether of the same or baser alloy, shall, after Jan. 1st, stand regulated, according to their weight and fineness, according and in proportion to the rate before limited and set for the pieces of eight of Seville, Pillar and Mexico; so that no foreign silver coin of any sort be permitted to exceed the same proportion upon any account whatsoever. And we do hereby require and command all our Governours, Lieutenant-Governours, Magistrates, Officers and all other our good subjects, within our said Colonies and Plantations, to observe and obey our directions herein, as they tender our displeasure. Given at our Castle at Windsor, June 18, 1704. God save the Queen. London. Printed by Charles Bill etc. 1 large p. Printed. Black Letter. [C.O. 323, 5. Nos. 58, 58.i.; and 324, 8. pp. 460-464.]

[June 16.] **393.** Capt. Robt. Gardner to the Queen. In behalf of the heir of the late Major General Selwyn. By an Act of Assembly in the time Col. Beckford was Lieutenant Governor of Jamaica, there was given to the said heir 2,000*l.* in consideration of the great expense the said Major General was at in transporting himself and family, as also the loss sustained by his death. The said Act being limited in time is expired, by which means the heir cannot receive the same, altho' the money is collected for that end. *Prays* H.M. to direct payment. *Subscribed,*

393. i. Whitehall, June 16, 1704. H.M. refers above to the Council of Trade and Plantations for their report. *Signed,* C. Hedges. *The whole endorsed,* Recd. Read June 20, 1704. 1 p. [C.O. 137, 6. Nos. 51, 51.i.; and 138, 11. pp. 276, 277.]

June 16. **394.** Mr. Secretary Hedges to the Council of Trade and Whitehall. Plantations. In reply to yours of June 14, I am commanded by H.M. to signify her pleasure that you consider the present state of Jamaica, and represent your opinion in what danger it is for want of a greater Naval strength and land force, and what encrease of both you judge may be needful for its security. *Signed,* C. Hedges. *Endorsed,* Recd. Read June 20, 1704. 1½ pp. [C.O. 138, 11. pp. 275, 276; and 137, 6. No. 50.]

June 16. **395.** Mr. Bridger and others to the Council of Trade and Plantations. To encourage the procuring of Naval Stores from

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the Plantations, *propose* that the importers receive 10s. per barrel of pitch or tar etc. *Signed*, J. Bridger. *Endorsed*, Recd. 17, Read June 20, 1704. 1 p. [C.O. 5, 863. No. 101; and 5, 911. pp. 341, 342.]

June 17.

396. W. Partridge to the Council of Trade and Plantations. *Proposes* to supply tar at 40s. a barrel, with an allowance besides of 3l. per tun for his encouragement etc. *Signed*, Wm. Partridge. *Endorsed*, Recd. Read June 17, 1704. 1 p. [C.O. 5, 863. No. 102; and 5, 911. pp. 339, 340.]

June 17.
St. Jago de
la Vega.

397. Governor Handasyd to the Council of Trade and Plantations. This country having been at great expense in buying and fitting out two fireships by ye advice of Adml. Benbow and Gov. Selwyn, with a promise from the first to use his endeavours to have ym. mann'd, maintained and victualled on H.M. account, they have been maintained and victualled accordingly. But on the 5th, the enclosed letter was brought to me, and the Council advised that the muster-master should give me an account of the services of the officers and sailors (*enclosed*). *Prays* that the Admiralty may order them to be paid as others belonging to H.M. ships, here being no fund for answering that charge, and this Island not able in time of war to bear that great expense. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 1st, Read 3rd Nov., 1704. *Addressed*. 1 p. *Enclosed*,

397. i. Officers and Men of the *Eagle Galley* and *Hermon* fireships to Governor Handasyd. Many of the seamen's families are starving. *Pray* for payment of their two years' service by the Island, and that their case be represented to the Admiralty. *Signed*, L. Boys, Henry Partington, Jno. Triggs, Jno. Shales. Port Royal. June 5, 1704. *Addressed*. *Sealed*. 1 p.

397. ii. Account of the services of the crews of the *Hermon* and *Eagle Galley*. Feb. 1702-June 1704. *Signed*, C[harles] Hutchinson. 2 pp. [C.O. 137, 6. Nos. 52, 52.i., ii.; and (*without enclosures*) 138, 11. pp. 340-342.]

June 17.
New York.

398. Governor Lord Cornbury to the Council of Trade and Plantations. *Deals at length with* the accounts of Lord Bellomont. *Set out*, New York Documents IV. pp. 1090-1099. *Signed*, Cornbury. *Endorsed*, Recd. 8th, Read 22nd August, 1704. 6 *large closely written pp.* *Enclosed*,

398. i. List of 28 papers relating to the accounts between Lord Bellomont and the forces at New York, referred to in preceding, and sent to Mr. Lowndes by order of the Council of Trade and Plantations, Aug. 22. 9 pp.

398. ii. (a) A State of the respites of the Four Companies of New York. March 1699-Dec. 1702. (b) A comparison between the Establishment and the surplus number of men kept by the Captains of the Four Companies. 2 pp.

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- 398. iii. Mr. Champante's Account of Off- reckonings of the Forces at New York to Dec. 24, 170 $\frac{1}{2}$. 2 *pp*.
- 398. iv. An account of the off- reckonings, and of cloathing provided by Lord Bellomont, 1697. 8 *pp*.
- 398. v. Account of sums paid by Lord Ranelagh to Mr. Champante 1697-1702. 1 *p*.
- 398. vi. Account of the subsistance, clearings and off- reckonings issued for the Four Companies during Lord Bellomont's Government. 2 *pp*.
- 398. vii. Mr. Champante's Account, March 18-Dec. 24, 1701. 5 *pp*.
- 398. viii. An account of the contingencies of the Province of New York for the years 1698-1699 and 1702-1703. 2 *pp*.
- 398. ix. Account of warrants issued by Lord Bellomont for payment out of the public funds on account of the Forces, 1698-1700. 2 *pp*.
- 398. x. Lord Bellomont's accounts of subsistance, clearings and off- reckonings for the Forces with the Pay Office in England, 1697-1701. 16 *pp*.
- 398. xi. Report of the Council of New York on the accounts of Col. Peter Schuyler, April 13, 1703. 2 $\frac{1}{2}$ *pp*.
- 398. xii. Mr. Champante's account of the indebtedness of Lord Bellomont's Company to him. 2 *pp*.
- 398. xiii. Account of money said by Mr. Champante to have been paid to Capt. Nanfan's Company. 2 *pp*.
- 398. xiv. Mr. Champante's account of the indebtedness of Col. Ingoldesby's Company to Lord Bellomont. 2 *pp*.
- 398. xv. Mr. Champante's account of the indebtedness of Capt. Weem's Company to Lord Bellomont. 2 *pp*.
- 398. xvi. Account of Warrants issued by Lord Bellomont out of the Revenue of New York for services done during his Government, April 1698-1699. 6 *large pp*.
- 398. xvii. Account of same from May, 1702-1703. 8 *large pp*.
- 398. xviii. Copy of proceedings of all the actions depending in the Supreme Court of New York, June, 1704. *Endorsed*, Recd. Aug. 8, 1704. 11 $\frac{1}{4}$ *pp*. [*C.O.* 5, 1048. *Nos.* 82, 82.i.-xviii; *and (without enclosures)* 5, 1120. *pp.* 113-156.]

June 19.
Jamaica.

399. Governor Handasyd to the Earl of Nottingham. Acknowledges letters of July 22, 1703, and Feb. 5. 170 $\frac{3}{4}$ *etc.* I have also your letter to Col. Dudley and Col. Quarry, Feb. 9, and letters from the Commissioners of the Victualling Office in relation to provisions that should have been sent from New England to Jamaica. Mr. Rowlandson I find is unjustly suspected of having misemployed H.M. money or provisions hear, he hath very hard justice done him by some who endeavour, as I suppose, to get him out of his employment to advance some friends of theirs, which is too much the evill practise in these parts. I have sent his accounts to the Victualling Office. Our fleet of merchant ships arrived here May 6, under convoy of 3 men of war, and in their passage took 2 French prizes, what was in them

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I am wholly a stranger to. Our fleet of merchant ships designs from this under the convoy of two men of war July 10 or 12. Our Assembly met April 11, and has past 3 bills, for the better recovery of publick debts, to prohibit any quantity of gunpowder being kept in Port Royal, and for raising money for a further subsistence for H.M. Officers and Soldiers. As to the last, I most heartily recommend to your Lordship the hardships that is put upon both officers and soldiers, as alsoe debarring of us the priviledge of Englishmen, not admitting us to sit in the Assembly, although wee have estates in the country and are legally choisen, they having noe other reason but because we are in H.M. service, soe that I hope H.M. will not give it her Royal assent, I being under necessity to lett it passe, the Quartering Act being soe near expired. The Assembly has expelled Mr. Totterdaile, one of there Members, for using disrespectfull words in the Assembly house against H.M. Government, he has been a man that hath mightily effected popularity in opposing all Governments, and was the first that brought in that scandalous president in the last Assembly of '41; he is now out of the Assembly, and I hope I shall have interest to keep him out, he having sowne the seed of sedition in this Island since his first comeing hear, and still continows the same, but I hope it will be noe more in his poure. The Assembly upon there request is adjourned to Sept. 21, and I shall endeavour at their meeting to bring them into a better temper to consider of everything that may tend to the honor of H.M. Croun and dignity and the welfare of the manufactory of Old England and this Island. There is two or three chips of the old block hear that occasions a great daile of heats, but I hope to catch them in there villany, as I have done the former. The Island is at present pritty healthy. The Grand Court has been sitting for these 16 days, but is now finished, and I hope that Justice and Equity will be in fashion hear, although formerly strange things hath happened. *Returns thanks for appointment as Governor.* I design to send the French prisoners here to England by the men of war, and to keep the Spanish prisoners to get them changed for English. *Signed, Tho. Handasyd. Endorsed, R. Aug. 11, 1704. 3 pp. [C.O. 137, 51. No. 4.]*

June 19.
Jamaica.

400. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Feb. 16 etc. *Repeats parts of preceding and following.* As to Lord Nottingham's letter relating to the good usage of the sea-officers in H.M. pay, I hope none can say that I have not treated them like Gentlemen, altho' some of them have not treated the Island as might have been expected. Capt. Trahern died the 9th inst. We have had a very great storm here, whereby H.M.S. *Mermaid* sprung her mainmast, and broke her mizen-mast and lost her ruther, and was in very great danger of being lost, but by God's help got into Carlisle Bay. By chance there was a spare mast here, if not, she would have been rendered useless for H.M. service. I hope your Lordships will recommend to the Admiralty that there be spare masts sent by the first opportunity for fear of any accidents that may happen.

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As to the Spanish trade, I shall use my best endeavours that everything be complied with according to Lord Nottingham's commands *etc.* As to Mr. Baber's petition, having understood that H.M. had reserved for me here as Chancellor the probit of wills, and innumerable trouble else that does attend as marriage licenses, and am obliged every month to hold the Chancellor Court, which cost me a great deal of money, being obliged to entertain Gentlemen and strangers that comes to attend it, who cannot well be otherwise taken care of in this place, and having understood that there has been an understanding formerly between the Governors and Secretaries here, and there being great perquisites belonging to the Secretary, as for example, every license that I am obliged to sign is 17*s.6d.* by the Law, for the proving of every will, 40 odd shillings, for every pass for ships very considerable, all which goes through my hands, and being obliged to give my constant attendance thereto, I thought it very hard that I should not have been so well treated as others have been formerly *etc.* I have a very numerous family, and shall never desire in H.M. service to enrich myself, but only to live like a Gentleman in the post that I am in, and give my children the education that Gentlemen's children ought to have. I assure your Lordships that I would keep a better table in England for 500*l.* than here for 2,500*l.*; I have neither had a farthing directly nor indirectly from the Secretary of any of these perquisites, but only told the Secretary's Deputy here to write to the Patentee that I expected to be treated as other Governors had formerly been, and not to be put to such vast expence and trouble upon his account, but shall forbear saying anything about the matter for the future, except your Lordships does approve of it *etc.*

Your Lordships has pleased to mention my being cautious to pass any Act that may be prejudicial to H.M. prerogative. I assure your Lordships no man has been more cautious, or has faithfuller endeavoured to prevent anything in that nature than I have. But as I have a headstrong people to deal withal, a great many of which thinks themselves above both Law and reason, and know how to tack Bills as well as in any place else, but all due care imaginable shall be taken to prevent them. The officers of the Regiments return thanks for your trouble in relation to their petition. As to Mr. Cope, most of [*the affairs in his petition*] happened before my coming, but I have caused them to make new carriages for the guns that was defective, and a house to be built which will preserve them from both wind and rain, so that I hope nothing of the former neglect will be laid to my charge *etc.* As to the adjourning, proroguing and dissolving the Assembly, I shall faithfully endeavour to make it as easy as I can, still preserving H.M. Royal Authority. The Island has been very quiet and peaceable since the distroying of the enemies ships, and taking so many of them prisoners, the private men declaring they would not go with their officers to Jamaica, there being nothing else but fire and smoak, in which opinion I hope they will continue, that I may not be plagued with them as I have been; if they came like soldiers belonging to an army,

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I could know better how to deal with them. Contrary to that, they come like so many thieves running into a creek or corner in the night time, covering their canows and boats with boughs and hiding themselves in the woods and rocks, till they can find a fit opportunity to surprize the negroes and burn the plantations, but I hope I shall prevent their doing much damage in that nature. As to the Commissions given to the privateers, I have taken all the care imaginable to give Commissions to such as had the report to be honest men and would not do an ill thing, and made them give in good security and severely tyed them up to their Instructions. I have received two parcels of parchment and paper and 3 books; I have given the most part to the Secretary. *Signed*, Tho. Handasyd. *Endorsed*, Reed. 5, Read 23rd Aug. 1704. 6 pp. [C.O. 137, 6. No. 54; and 138, 11. pp. 302-313.]

June 19.
Jamaica.

401. Governor Handasyd to the Council of Trade and Plantations. The bearer of this is Capt. Jones, that had the misfortune to loss H.M.S. *Seahorse* through the unskilfulness of him that acted as Boatswain, who took upon him to pilate the ship, but it seems he did not know the harbour soe well as he did believe, but I am of that opinion that it was his earnestness and zeal for the service, in performing of which he lost his life. Capt. Jones is earnestly recommended to me by the Assembly, but incaice they had not, I could not forebear to doe justice to all brave men, as it appears he was, being resolved to sink with H.M. ship rather then to submitt to the enemy on any terms, which nothing could have prevented, but another of H.M. ships being drove out of her station by stress of weather, and hearing the gunns, came up to his assistance, as she was sinking, upon which the enemy quit the hopes of there pretended prize, as likewise their own vessell and landed with their men, arms *etc.* [*Repeats narrative of May 4.*] *Signed*, Tho. Handasyd. *Endorsed*, Reed. Read Dec. 19, 1704. *Addressed. Sealed.* 1 p. [C.O. 137, 6. No. 53; and 138, 11. pp. 353-356.]

June 20.
London.

402. Jeronimy Clifford to the Council of Trade and Plantations. Mr. Shippard *etc.* have not yet finished my accounts. *Prays* that they may be hastened. *Signed*, Jer. Clifford. *Endorsed*, Reed. Read June 22, 1704. 2 pp. *Enclosed*,

402. i. Jer. Clifford to Samuel Shippard, Jacob Oosterland and John Gardner. *Prays* for the dispatch of his accounts. *Copy.* 1 p. [C.O. 388, 75. Nos. 91, 91.i.; and (without enclosure) 389, 36. pp. 193-196.]

June 21.

403. Attorney General to [*? the Earl of Limerick*]. I am of opinion [*upon a case submitted of a Roman Catholic petitioning for a grant of Crown land in New England*] that a Roman Catholick is not disabled to purchase lands in H.M. Plantations, the disabling statute of 11 William III extending only to lands in England, Wales and Berwick on Tweed. *Signed*, Edw. Northey. *Endorsed*, Reed. Read June 22, 1704. Presented to the Board by the Earl of Limerick. [C.O. 5, 863. No. 103; and 5, 911. p. 343.]

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June 21.
Whitehall.

404. Council of Trade and Plantations to the Queen. We see no objection to the heir of Major-General Selwyn [see June 16 and *Acts of P.C., II*, p. 474] being allowed to receive the sum voted by the Assembly of Jamaica. [*C.O.* 138, 11. pp. 278, 279.]

June 21.
Mint Office.

405. Table of the Weight and Intrinsic value of foreign coins in England, with a computation for proportioning them in the Plantations. [*Embodied in Proclamation, No.* 392.i.] *Signed*, Is. Newton. *Endorsed*, Reed. Read June 23, 1704. 1 p. [*C.O.* 323, 5. No. 59; and 324, 8. pp. 465, 466.]

June 22.

406. Governor Lord Cornbury to the Council of Trade and Plantations. After having several times desired Captain Nanfan to make up his accounts with the 4 Companys of Fuzileers, after many delays he brought me an account stated by a Dutchman here, which had neither head nor tail. I told Mr. Nanfan his accounts must be stated by way of debtor and creditor, but it seems the persons he employed either could not or would not understand that method, for he brought me two accounts afterwards in no better a method than the first, so seeing there never would be an end that way I ordered the accounts to be stated as I have seen it done in England, under the heads of subsistence, clearings and off reckonings according to the establishment and muster rolls, and a copy to be given to Capt. Nanfan, after he had had it some time I laid another copy of that account before the Council, and desired them to consider it well, to send for Capt. Nanfan and hear his objections, if any he had, and make a report to me upon the whole matter, accordingly they did make a report which I here send inclosed with the account above-mentioned, which I hope will prove to your satisfaction. I am sure if I had not taken this method, I should not have been able to have sent over his accounts these three years. *Deals at length with Capt. Nanfan's Accounts.* [*Set out New York Documents, IV., pp.* 1100–1103.] *Signed*, Cornbury. *Endorsed*, Reed. Sth, Read 22nd Aug., 1704. 3 large closely written pp. *Enclosed*,

406. i. List of papers relating to the accounts between Capt. Nanfan and the Forces at New York. 4 pp.

406. ii. Capt. Nanfan's Account with the Four Companies. 2 pp.

406. iii. Capt. Nanfan's Account of money paid in England and received by him. 3½ pp.

406. iv. Capt. Nanfan's Account of Subsistence, clearings and offreckonings of the Four companies, Dec., 1700–1701. 7 pp.

406. v. Capt. Nanfan's Account of subsistence of the Forces, Dec., 1701–May 8, 1702. 1 p.

406. vi. Abstract of above accounts to May 8, 1702. 1 p.

406. vii. Deposition of E. Wilson, High Sherrif of New York, that he arrested Capt. Nanfan on Oct. 2, 1702, on suit of the Queen, and on his giving security to answer for any sums he should be found indebted to the Crown,

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he was immediately discharged. He has since arrested him on several suits for debt, in four of which (brought by John Theobalds, Capt. James Weems, and William Glencross) he hath given no bail and therefore remains in custody. *Signed*, Ebenezer Willson. 1 p. [C.O. 5, 1048. Nos. 83, 83.i.-vii.; and (without enclosures) 5, 1120. pp. 156-171.]

June 22. **407.** W. Popple to J. Clifford. *Encloses following.* [C.O.
Whitehall. 389, 36. p. 197.]

June 22. **408.** W. Popple, jr., to Saml. Shepard, John Gardner *etc.*
Whitehall. The Council of Trade and Plantations desire you to despatch your report on Mr. Clifford's accounts. [C.O. 389, 36. p. 197.]

June 22. **409.** Order of Queen in Council to Governor Nicholson.
Whitehall. *Communicate* Order of Council June 15 and papers referred to. [C.O. 5, 1360. p. 484.]

June 22. **410.** Governor Lord Cornbury to the Earl of Nottingham.
New York. Your letter of July 22 came to my hands April 23, the *Dreadnought* having been driven into Barbados *etc.* I beg you to assure H.M. that I will diligently obey her commands to treat the Captains of the men of war with all civility *etc.*; I hope H.R.H. will command them to be careful in keeping their men, for sometimes it falls heavy upon these Collonys by reason of the desertion of the seamen, and it falls heavier upon this then upon any other, because of the ill methods of our neighbours of Connecticut and Rhode Island, who protect all deserters both from the garrison here and from H.M. Ships, and will not let us have them, though we shew them the men, now if a ship comes into port and wants 40 men, the Queen having commanded me to provide soe many men as any of her ships may want, the Captain will have his full complement made up, this often occasions our young men to run away, either into New Jersey or Connecticut, and sometimes settle there, which is a great losse to this Collony. *etc.* The French of Canada and their Indians have done a great deal of mischief upon the Eastern borders of New England the last summer, last winter and this spring. They cut off Deerfield *etc.* owing to the negligence of the people, who did not keep guard so carefully as they should have done, though I had sent them notice a considerable time before that the ennemy was preparing to attack them, the design of the French was brought to my knowledge by some spys which I have kept in the Indian country ever since the warr has been declared, and they have proved very true to me, for they have brought me word from time to time of all the preparations the French have made, of which I have constantly given Col. Dudley notice; the ennemy have not yet attempted anything upon our northern frontiers. I will take all the care I can to be in as good a posture to receive them as possible; though all manner of

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stores of warr are very scarce with us, there having been none sent since I came hither, soe that a great deale of the powder is spoiled. I hope the Queen will order us a supply both of arms and ammunition. I have acquainted the Merchants here with H.M. favour granting them the liberty to trade to the Spanish West Indies; they are very sensible of H.M. great goodness to them *etc.* *Signed*, Cornbury. *Holograph.* 4 pp. [C.O. 5, 1091. No. 10.]

June 23.
Whitehall.

411. W. Popple, jr., to Mr. Lownds. The Council of Trade and Plantations desire you to move my Lord Treasurer for 400 copies of H.M. Proclamation for ascertaining the rates of foreign coins, to be transmitted to the Plantations by the West India Packet Boat on Thursday. [C.O. 324, 8. pp. 456, 457.]

June 23.
Whitehall.

412. Sir C. Hedges to Governor Dudley. You are to assist Mr. John Taylor, he being under contract with the Navy Board for importing masts from New England, and you are to take all necessary care that they be not destroyed by the Indians, and likewise to give your countenance and assistance to his Agents in building a ship in New Hampshire, which he intends to employ in that service. *Signed*, C. Hedges. [C.O. 324, 30. p. 6.]

June 23.
Whitehall.

413. Council of Trade and Plantations to Mr. Secretary Hedges. In pursuance of yours of June 2, requiring us to consider of a premium to be allowed on importation of pitch and tarr from the Plantations, we have discoursed with several persons well acquainted with that Trade, and humbly offer that, tho' the said merchants demand 10s. per barrel imported, *i.e.* 4*l.* per tonn, as the least premium that can be offered with hopes of success, we humbly offer that for a tryal 3*l.* be allowed for 3 years from Jan. next. The consideration of a fund for such a premium is proper to be laid before the Parliament at their next Session. We humbly offer that these commodities thus imported from the Plantations may be exempt from the duties to which they are now lyable; for though these duties are but low in the Book of Rates, vizt. 7 or 8s. per tonn, yet when it shal be publickly known in the Plantations that Naval Stores may be imported Custom Free into England, it will give a further reputation and encouragement to the Trader, and we humbly conceive an equivalent to be made to H.M. instead of this duty will likewise fall properly under the consideration of the Parliament at the same time. *Endorsed*, June 27, 1704. 2 pp. [C.O. 5, 3. No. 16; and 324, 8. pp. 457-459.]

[June 24.]

414. Accounts of the Commission for Trade and Plantations, Christmas, 1703—Midsummer, 1704. Petty expenses, 42*l.* 15s. 5*d.*; Stationer's Bill (Wm. Churchill), 36*l.* 9s. 8*d.*; Wm. Short, the Postman, 34*l.* 4s. 11*d.*; wood and coals, 33*l.* 9s. 1*d.* *The whole endorsed*, Reed. Read Aug. 18, 1704. 10 pp. [C.O. 388, 75. Nos. 92-95.]

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June 24.
New York.

415. Governor Lord Cornbury to the Council of Trade and Plantations. There was such an unwillingness in my Lady Bellomont's Agents here to state her accounts, that they would never hear of any method, nor would produce any muster roll, or other voucher; unless I would consent to charge my Lady with no more than what they said my Lord Bellomont's Agents had actually received, without producing any account from the Office, by which I might have known the truth of what was paid by the Agents. This I thought I ought not to do, therefore I have stated her accounts by way of debtor and creditor and have made the charge according to the establishment, supposing the Companys to be compleat (because I could see no muster rolls) and I have allowed in discharge all that Mr. Champante has (by his accounts) thought fit to give my Lord Bellomont credit for. I hope your Lordships will approve of this method, which I think will be the shortest way to bring these accounts to a conclusion. I beg leave to observe to your Lordships that my Lady Bellomont has presented several petitions to the Queen, whereupon Lord Nottingham has signified to me H.M. pleasure that my Lady Bellomont's security should not be prosecuted yet for some time. These repeated petitions oblige me to inform your Lordships of the truth of that whole matter, which is thus: On my arrival I had a great number of petitions delivered to me by several Officers of the four Companys here, the Staff Officers and several other persons who had trusted the souldiers, setting forth that there were great arrears owing to the Companys here by the late Earle of Bellomont, that the Countess was going for England, that they should be ruined unless some care was taken that they might be paid; upon this I sent to my Lady Bellomont to desire that she would appoint somebody to state the late Earl's accounts, and I appointed five gentlemen here to settle those accounts, with whomsoever my Lady should appoint on her part, after which I went up to Albany, but stopping in the County of Ulster, I received there an account that my Lady complained that the Commissioners did not attend, which was a delay to her accounts, whereupon I added four more to the first five that there might always be a quorum, my Lady thought fit to trust one Mr. Taylor, who had been the late Earl's private Secretary, who did appear sometimes, but either could not or would not produce all the muster rolls for my Lord Bellomont's time. Mr. Ling and Mr. Cholwell, who appeared as friends to my Lady Bellomont, offered that her Ladyship should account for 9,563*l.* 13*s.* 2*d.*, that being all (as they said) that the Earle of Bellomont or his Agents had received, but not producing any account from the Office to satisfie the Commissioners that it was so, they did not think fit to allow of that, and went on with the full charge; but Mr. Taylor, seeing that, would proceed no further; being informed of this by one of the Commissioners, I wrote to the Attorney General, to desire him to go to my Lady Bellomont, and acquaint her that since her Agents did not think fit to go on with stating the late Earle's accounts, and her Ladyship was preparing to leave this Province,

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I should expect she should give security to answer all such sums as should appear (upon the stating the late Earl's accounts) to be due to the Crown, or the forces here, and I directed the Attorney General to insist upon a security of 10,000*l.*, and this I did because, by the complaints made, I had reason to believe there would be more due; the Attorney General did as I had directed him, and my Lady sent to me by young Mr. Atwood the names of several persons who were willing to be bound with her, to know if I approved of them. I sent that list back and left it to the Attorney General to take the persons he should think fit, and he insisting to have the security dispatched; under pretence of the sickness that then raged here, her Ladyship thought fit to remove from this City into King's County, where she staid till Capt. Caldwell, with H.M.S. *Advice*, was ready to sail. Mr. Attorney General being informed that my Lady did intend to go privately on board the *Advice*, took out a writ against her, and sent for the Sheriff of King's County, gave him the writ and ordered him to make what diligence he could to execute it, and directed him, as soon as he had done so, to send him word of it that he might wait upon my Lady to take her security. The Sheriff took the writ and I suppose acquainted her Ladyship with it, for the next day the Sheriff, under pretence of having executed his writ, sent the Attorney General word he had done his duty and had taken security from my Lady Bellomont to the value of 10,000*l.* Mr. Attorney, surprized at this, went over the water to inquire into that matter, and found that my Lady was gone on board, and that the Sheriff had taken a joint bond from two men for 10,000*l.*, who are not worth 10*l.* apiece. I have never directed any proceedings against them, nor did I intend to do it till I had directions from England, therefore her Ladyship needed not have troubled the Queen so often about that matter, when she knows what I say to be true, however I shall always obey the orders I receive. *Signed*, Cornbury. *Endorsed*, Recd. 8th, Read 22nd Aug., 1704. *Holograph*. 4 pp. [C.O. 5, 1048. No. 84; and 5, 1120. pp. 171-176.]

June 24.
New Yorke.

416. Governor Lord Cornbury to the Council of Trade and Plantations. I trouble your Lordships with this letter to acquaint you with an accident lately happened here, which is as follows. On March 13 arrived here the *Eagle* galley, Capt. John Davison commander; the Collector, Mr. Byerly went himself on board the galley. When she was about six miles below the town, at his landing, he told me it was a ship belonging to Sir Jeffrey Jeffreys, that she came from London, had been at Madera and taken a cargo of wines there, and that she had some Canary wines on board, which he said he thought was contrary to the Laws of Trade, since they were not shipped in England, but in Madera. I told him I could say nothing to that till I saw what entry he made; the ship anchored that evening in the Road, and the next morning Mr. Wenham and Capt. Davison came to me and told me they were under a very great difficulty, because part of the cargo of the ship had been put on board for the Island

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of Jamaica the last year, but that having taken a prize near Madera he landed the goods intended for Jamaica at Madera, and took on board his ship as much of the Canary wines that were in the prize as he could and sayled for England, where (as he says) the prize and cargo were condemned in a Court of Admiralty, that afterwards he was ordered to take on board his ship the goods which he had left at Madera and bring them to this Port. Capt. Davison further said that when he arrived at Madera he found all his goods, but that the cocketts (which he had left with his goods) were lost, and that for want of them the Naval Officer here would not take his entry. I told them I was sorry it was so, and the more because I did not see how I could help them, but that if they could propose anything that I could do, and that was fit for me to do, I should be ready to give them all the assistance I could, upon this Mr. Wenham (who is Sir Jeffrey Jeffrey's Correspondent here) told me he would give me what security I should direct to produce cocketts in any reasonable time. I told him I would consider of it and would give him an answer very quickly, and in order to it I sent for the Attorney General and asked his opinion how far I might comply with Mr. Winham's proposal, he told me that if the intent of the Law was answered, trade ought to be encouraged, that if they gave sufficient security to produce cocketts in a reasonable time, he was of opinion the Queen would be safe, and the intent of the Laws of Trade answered; upon this I did direct security to be given for the value of the goods according to the prices set down in the invoice with 100 *per cent.* advance, which is ye profit commonly made here by merchants, this being done the Naval Officer took his entry and certified to the Collector as he ought to do, whereupon the Collector suffered the Capt. to enter his goods in the Custome House, to unload and carry the goods to Mr. Wenham's warehouse, where they were exposed to sale and several of them sold till March 21 or 22, that the Collector came to me and told me he must seize the *Eagle*, for she had imported European goods, which were not shipped in England, which he said was contrary to an Act of Parliament, 15 Charles II, by which the ship and all her cargo was forfeited, and he brought with him a lawyer to satisfye me that it was so, who produced to me Wingate's Abridgement of the Statutes. After I had read it I told him I thought that by that Statute it was plain that nothing could be forfeited but those European goods so unlawfully imported, and the ship, but that no other part of the cargo could be affected by that clause (7). He then told me there was cocketts wanting for several pareells of goods. I told him it was true, but that Mr. Wenham had given me security to produce cocketts within a limitted time. He then said they had no register. I told him that the ship was registred, and that if I had not been satisfi'd of that the Naval Officer should not have certifi'd as he did, upon that he told me he had other things to alledge against the ship, and that he would seize her and her cargo. I told him if he told me what those things were I would tell him my thoughts of them, but he did not think fit

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to tell me, on the next day seized the ship and all the goods, as well those for which cocketts were produced and those for which I had given time to produce cocketts, as the Canary wines; upon this Mr. Wenham brought me a petition (*enclosed*) setting forth that the *Eagle* and her lading had been seized by the Collector upon supposition of some breach of the Act of Trade, of which he did not suppose her guilty, and therefore pray'd the ship and cargo might be discharged and the seizure taken off. Upon this I called a Councill and acquainted them with the whole proceeding, and desired their advice and opinion what was proper to be done; they desired time till the next day, which I gave them, and then they gave me their opinion that they did not think any part of the cargo was within the Statute of 15 Car. II, except the Canary wines and the ship, and they said that tho' a seizure had been made by the Collector, yet there being no libell filed in the Court of Vice-Admiral, I might discharge the seizure, and that since the goods on board that ship were sent hither to pay the soldiers, and that the Laws of Trade were not broken, they were of opinion the seizure ought to be taken off from all the goods, except the Canary wines and the ship. Upon this I sent an order to the Collector to take off the seizure from all the goods except the Canary wines and the ship *etc.* This order he obeyed, and Mr. Wenham went on selling his goods as he did before the seizure, on or about March 27 Mr. Collector came to me again and told me he must seize the *Eagle* galley again. I told him I hoped he would consider well what he did, unless he could shew me some new cause for it, I should order him again to take it off, he shewed me no new cause, but did seize the ship again and all the goods at Mr. Wenham's unsold or at least undelivered. Mr. Wenham came and acquainted me with it, and I sent a second order to the Collector to take off that second seizure, but he refused to do it. In some few days after this Mr. Monperson, the Judge of the Admiralty, came to town, being sent for by the Collector. He acquainted me that the Collector had told him he had filed a libell against the *Eagle* and all the cargo, and desired him to appoynt a Court for the tryal of the said ship, which he said he would not do till he had spoke to me. I gave him an account of the whole matter, and told him that since I had given Mr. Wenham time to produce cocketts upon the reasons before mentioned, I did not think it would be proper for him to try the ship upon that head, and that I would send him a message by the Queen's Advocate (*copy enclosed*). Also, that if he thought fit to try the ship upon account of the Canary, I had nothing to say against it. He did hold a Court and upon hearing the Proctors on both sides relating to the importing of Canary wines from Madera, the Proctor for Capt. Davison insisted that the Canary wines might be imported because they were prize goods and condemned as such in a Court of Admiralty in England, and desired time to prove the same, the Judge thought fitt to grant them time. I hope I shall have your approbation for what I have done, if I have erred I am sure nobody can think I had any private interest in hindring the condemnation of that

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ship, it was certainly my interest she should have been condemned, for then I should have had my third which would have amounted to above 3,000*l*, and perhaps by H.M. grace and favour I might have hoped for the Queen's thirds too ; which would have been a much greater profit than I can ever hope for in this country, but besides that I thought the seizure of all her cargo unjust in itself, I considered that if all the cargo of that ship was condemned the forces here must have starved, for Sir Jeffrey Jeffryes's Correspondent would have found it very difficult to have found money to have paid the forces here ; what the consequences of that would have been may easily be seen, for the soldiers desert now they are well paid, certainly if such an accident had happened they would all have deserted. I am informed by several persons here that Mr. Byerly has sent great complaints against me into England, what those complaints are, or to whom they are sent I know not, but sure I am that I have never given that gentleman any just cause of complaint, unless his being disappointed of the third he thought to have had by the condemnation of the *Eagle* be a just cause of complaint. Mr. Byerly has given me many causes of complaint, yet because I have told him of them I am in hopes he will amend them, therefore I will not trouble your Lordships with them now, tho' I believe at last I shall be forced to it, in the mean time I begg your Lordships' directions in one thing, which is this, in my Instructions I am commanded [*not*] to suffer any publick money to issue, but by warrant under my hand and seale [*signed*] in Council, which I have punctually observed in all cases except Mr. Bierley's, and in his Commission the Queen is pleased to grant him a salary of 200*l*. sterl. a year out of the revenue of this Province, which he is directed to retain in his hands, this seems in some measure to contradict that clause of my Instructions, however, I have not insisted upon this matter with Mr. Bierley, but have suffered him to retain his salary, nevertheless I intreat the favour of your Lordships' commands how I shall proceed for the future in this matter. All the favour I presume to begg of your Lordships upon this occasion is that you would not let any reports or stories make any impression upon your Lordships to my disadvantage till I may have opportunity to justify myself, which I do not question the doing to your Lordships' satisfaction whenever you will be pleased to let me know what I am accused of. *Signed*, Cornbury. *Endorsed*, Recd. 8th, Read 22nd Aug., 1704. 4 large pp. *Enclosed*,

416. i. Copy of proceedings of the Court of Admiralty, April 8, 1704, against the *Eagle* galley, *as above*. *Endorsed*, Recd. Aug. 8, 1704. 60 pp. [*C.O.* 5, 1048. *Nos.* 85, 85.i. ; and (*without enclosure*) 5, 1120. pp. 177-186.]

June 24.

417. Lt. Gov. Usher to the Council of Trade and Plantations. Refers to letters of June and October. Thank God the enemy hath made no attack on Province New Hampshire. Coll. Romer all this summer hath bin at New Castle, repaired the Fort,

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which is now in a very good posture of defence, the only thing wanting is men, armes and ammunition. Major Walton hath a Commission for Captain of the Fourt. It was my misfortune to be Treasurer in Sir E. Andross' Government, in that time advancing for the same 1,038*l.*, was by the late King favoured with several orders to the Government Province of Massachusetts Bay to pay the ballance or render a reason for not so doing. This twelve years could not obtain either. In June last had a Committee appointed by the General Assembly and make report what thinck proper to be done, objection being onely against Sir E. Andross' sallary, and be explained how itt did arise, which report accepted by Governour and Council, Assembly did break up doing nothing. In Oct. H.E. moved I might give my answer, and be heard. Nov. 15, appointed, gave in my answer, with Address to pay me the ballance with interest which amounted to above 900*l.* Finding no payment nor rendring a reason, pray my case may be laid before H.M. and that H.M. would give orders positively for payment thereof. Being called to account for raising money and how disposed I privately made my escape to England, and there rendered account and made it up with Auditor General. I stay'd three years in England before dispatch'd which did stand me in 400*l.* sterling and no business but as Treasurer to render account to the Crown, so that my case hath bin attended with great hardship. *Signed, John Usher. Endorsed, Recd. 1st, Read 12th March, 1704½. Addressed. Sealed. 1 p. Enclosed,*

417. i. Copy of Mr. Usher's Memorial to the Assembly of the Massachusetts Bay, praying to be reimbursed the money he issued out when Treasurer in Sir E. Andross' time. 1½ *pp.*

417. ii. Copy of Report of Committee upon Mr. Usher's Accounts and proceedings of the Assembly of the Massachusetts Bay thereon (May 31, June 28, Nov. 3, Nov. 9, 1704). 2½ *pp.* [*C.O.* 5, 863. *Nos.* 104, 104.i., ii. ; and (*without enclosures*) 5, 911. *pp.* 452-455.]

June 24.

418. Attorney General to the Council of Trade and Plantations. I have considered the Report of the Attorney and Solicitor General of Barbados, and am of opinion that no proceedings can be now had on the Commission therein mentioned to have been granted pursuant to the late Act of Parliament, and that therefore to enable the proceedings in the Barbados according to that Act it will be necessary that a new Commission be granted according to the directions of that Act, but without the help of that Act, the Lord High Admiral or his Lieutenant or Commissary in the Court of Admiralty may proceed against pirats and condemn them by the Maritime Lawe, but that way hath been disused since the statute of 28th Hen. VIII. *Signed, Edw. Northey. Endorsed, Recd. Read July 6, 1704. 1 p. Enclosed,*

418. i. Copy of opinion of the Attorney and Solicitor General of Barbados. Jan. 12, 1704½ (*q.v.*). *Signed, E. Chilton,*

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Wm. Rawlin. 3 pp. [C.O. 323, 5. Nos. 50, 50.i.; and 324, 8. pp. 472-475.]

[June 27.] **419.** Couneil, Justices, Officers and Inhabitants of Bermuda to the Queen. Return thanks for continuing Lt. Governor Bennett, who hath given many demonstrations of his loyalty to H.M., zeal for the Protestant Religion, impartial justice, and care for the fortifications and Militia, *etc.* 413 signatures. *Endorsed*, Reed. Read June 27, 1704. 1 large sheet of parchment. [C.O. 37, 6. No. 18.]

June 27. **420.** Col. Lambert to Mr. Clayton, M.P. Taken prisoner in a Dane sloop, encloses petition by others at Martinique that an exchange of prisoners may be arranged. *Continues*: "We have had 163 vessels brought in here since the warr, and since my imprisonment sloops of 4 and 6 guns have brought in good ships of 18 to 24 guns for want of being better man'd—there is about 30 privateers now belonging here, so that it's almost impossible for a vessel to pass to or from the Islands without a good convoy, and then they take some from them. Our friggotts sailing so heavy, they run round them at their pleasure, being in sloops which you know keeps the wind better than any ship can. This Island have a grate trade with the Spaniards, their vessels pas and repas without molestation, they bring great quantities of money here, which they send home in their men of war and great merchantmen, which are always well mann'd. There is lately arrived a small Spanish ship of 6 guns from Laverdeeruise with about 800,000 pieces of eight, they have two French men of war, each 50 guns, goeing ritelly loaden to the coast of New Spaine as well to trade as to protect their small trading vessels there, and the convoy of this fleet has 50 guns ritelly loaden with money and merehandize, which has been trading on that coast this two years and commanded by M. Laroux; had we some good cruising ships to lie about this Island, they should retake our ships as they bring them in, destroy some of their privateers and take mighty ritel prizes of theirs which use the Spanish trade, as well as Spanish ships that trade here. As for our New England trade, it's at a stand, wee having no exchange of prisoners, they will not venture to sea, which is a great detriment to the Plantation Trade, and for want of eask, several will be forced to binn their sugars, *etc.* The French gentlemen have offered to lay me wagers, that we shall not have an English Island left by next December, saying they are certain to have a fleet sent out with sufficient force to take all the Islands before that time *etc.* Signed, Mich. Lambert. *Endorsed*, Reed. Read Dec. 20, 1704. 2 pp. *Enclosed*,

420. i. H.M. subjects prisoners at Martinique to the Queen. To the number of 300, some whereof have been here 16 months in close prison, pray for an exchange of prisoners. When this war first began, there was a mutual exchange of prisoners eqntinued here for some months, but a truce sent from hence to Barbados was,

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through some needless jealousies, seized on there, and a breach of articles ensued. Should all our grievances be related, they would amaze even the least thoughtful. These 16 months has brought hither 100 prizes and 1,500 odd men, and yet of all these there's now but a small remainder here, renegadoes, death, change of religion and many bewitching French artifices having devoured the others. Necessity has forced more than 500 to take up arms against a Kingdom and Religion they love. This and much more has been related to the rulers of Barbados and Antigua, and yet no redress can be had, nor no petition in the least regarded. The only excuse they have is the depopulating the French privateers, but your poor subjects who through meer necessity have revolted from you here, are more then twice the number of French that have been taken by your Majesty's arms in these parts. When we sent our petitions to those Governors, we all obliged ourselves to serve your Majesty for 6 months without pay. *Signed*, Manifold Howe, William Forster, John Parry, John Molineux, Tho. Holland, Wm. Simmons, Thomas Tudor, John Tankerd. Refinery Prison in Fort St. Peirs, Martinique. June 26, 1704. 2 pp. [*C.O.* 152, 5. *Nos.* 73, 73.i.]

[June 27.] **421.** State of the Regiments at Jamaica. A Regiment in the West Indies now consists of 10 Companies, each Company consisting of 2 sergeants, 2 corporals, 1 drummer, and 34 private men; to which they now intend to add 16 sergeants, 16 corporals, 14 drummers and 210 private men, to make the complement of 12 Company and 55 private men. The two Regements now in Jamaica and the Regiment in the Leeward Islands are the same. *Endorsed*, Presented to the Board by Capt. Gardner. Recd. Read June 27, 1704. $\frac{1}{2}$ p. [*C.O.* 137, 6. *No.* 55.]

June 27. **422.** Attorney General of New York to the Council of Trade and Plantations. *Refers to letter of Dec. 12, 1702.* I hear nothing of the renewal of my Commission of Advocate General to my great loss, Gov. Dudley appointing his son to officiate in that place at Massachusetts Bay and Rhode Island, two of the chief places of proffitt in my Commission: especially Rhode Island, which lies as convenient for me as him. I am informed that Coll. Dudley does apply home for a Commission for his son to be Advocate General in those Collonies, as he hath already procured one for him to be Attorney General at Massachusetts Bay; nothing of this nature I am sure can pass without your Lordships' privity. I will therefore submit myself and my affairs to your Lordships' care and to H.M. good pleasure, *etc.* The evill treatment I met with by Mr. Attwood's and Weaver's means, the first year of my being here, run me so far in debt that the proffits of both Commissions hitherto have not maintained my family and discharged it, by above 100*l.* sterl., though I have

New York in
America.

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taken aid of my salary in England also. The chief ground the Coll. goes upon in this matter is because I have not been at those places to shew my Commission and take the proper oaths, to which I answer that when Mr. Attwood at our first arrival went to Boston to shew his Commission as Judge of the Admiralty, he was not willing to have me with him, told me there was no business then to be done (though he found some to his no small vexation), and that he would give them notice of my Commission, and it would be time enough to shew it and take the oaths when there was occasion to hold a Court, which I resolved to do; but no Court of Admiralty being held at those places till after the death of the late King, I thought my Commission determin'd and apply'd to your Lordships for a new one, but have not been yet favoured therewith. And divers Courts have since been held at Boston and Rhode Island by Mr. Newton, Deputy to Mr. Atwood, but no notice given me thereof, tho' several condemnations of value were there had, and they knew of my Commission yet appointed others to be Advocates, tho' the Queen's Proclamation made my Commission good untill H.M. pleasure be further known, and I was ready to do my duty in my place, had I had the civility of notice given me as I ought. Nor am I without my uneasiness in this place, even from those that have H.M. Commission as well as my self. Mr. Byerly, Collector and Receiver General, takes upon him to controul me in my Offices and to defame me publickly to the people with neglect of duty to H.M. and her affairs, having behaved himself very rudely and insolently towards me in divers places and companys where we have accidentally mett, and once at the Chief Justice's lodgings, where he gave me very base and scurvey language, and told me he would appoint whom he pleased to do the Queen's business, which is more than my Lord Cornbury will do, for he gives me the liberty of choosing whom I think fitt to my assistance in all causes of difficulty wherein H.M. is concerned that do require it, without forcing any upon me. These matters reached H.E.'s eares without my bearing, who of his own accord told me he would do me right therein, whenever I would desire it. I have forebore hitherto taking that method in respect to Mr. Collector, knowing him then to be in H.E. displeasure for other matters which I was not willing to stir up afresh against him, but rather chose this way of acquainting your Lordships that he may receive a gentle and proper admonition from you. The ground and occasion of all this long story was no more than this. The Officer of Excise had made a seizure of some liquors and was going to proceed irregularly as I thought upon it, so I pray'd H.E. that I might give directions to the Officer and J.P.s before whom the matter lay to stay further proceedings, till the matter was better enquired into. I hope you will be so far on my side as to allow me the power of staying or proceeding in the Queen's Causes as I think proper for H.M. interest, and that the subjects may not be oppressed. Another matter hath sett Mr. Collector more at odds with me. Mr. Collector consulting some of the town lawyers was inform'd that the *Eagle* galley [see June 26]

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was liable to seizure for breach of the Acts of Trade and Navigation, upon which he sends to me to give him and one of them a meeting, which I did, the points layed before me were the want of a Register, not being duely navigated with Master and men (either of which I agreed to be a totall forfeiture) and importing Canary wines, which were said to be European goods not brought directly from England etc. I differ'd with that gentleman in that point of the wines being European goods, and judged them not within that clause of the Act. But if they were as prize, I thought they might be carryed into any H.M. Dominions without incurring any penalty. The seizure was made, and then H.E. received a petition from Col. Wenham, that the seizure might be taken off. The Petition was referred to myself and other gentlemen of the Councill. I with some others were of opinion that the Governour (if he thought fit) might discharge any seizure of this nature before information fyled, it being wholly in the Queen's hands and power till then. H.E. appointed an Order to be prepared for that purpose; in the meantime Mr. Collector sends to me to draw an Information against the galley and cargo, or give way to some body else to do it. I refused both with this answer, that the matter of the seizure had been under the consideration of my Lord Cornbury and the Councill, and I could do nothing in it till I knew the result of that. In a very little time after Mr. Collector received the Order of discharge from H.E., and with great reluctancy at length took off the seizure from the galley, but in a day or two resealed her, filed an Information and put her in suit without ever consulting me at all, as the way was in Mr. Attwood's time, tho' I desired no Information might be received but from my hands, the Queen's and Governour's interests being above the informer's, and often times such lame and imperfect ones have been filed in hast to gett the benefit of informing that have cost much time and labour to sett them right; and I could heartily wish some directions to my Lord Cornbury might be obtained from H.M. for the settling of this point, or to the Judge of the Admiralty. Upon the second seizure of the galley, H.E. told me he was sure she was well registered, and duly navigated, then there was only the point of the wines, and some goods that wanted cocquetts, the want whercof (unless I have overlooked and missed the Statute) affects not the vessel, only are liable to seizure themselves, or a double value to be paid by owner or lader of them. H.E. commanded me upon the discourse we had (without any stated points in writing) to peruse the Acts of Trade and Navigation and give him my opinion of them in relation to the present case under my hand, which I did as above; for which Mr. Collector declares me opposite to the Queen's interest, and consequently not fit to serve H.M. etc. The cause at present stands upon security to produce cocquets and make out the point of the wines to be no forfeiture. I thank God the power [*of Government here*] is now in H.M. subjects of England, tho some of them are not so thankfull for it as might be expected from them. There are some Republican spirits amongst

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us, some that retain the leven of the late factions and disorders, which render the administration at present not so easy and current as it ought, even the Assembly, which are just dismiss, have shewed some touch thereof in the disputes they have had with H.E. this Sessions. But they are not many, and H.E. knows them to a man, and will be vigilant over them *etc.* *Prays for* liberty to answer any charge brought against him before any censure be passed. *Signed*, Sa. Sh. Broughton. *Endorsed*, Reed. Read Oct. 19, 1704. 4 *closely written pp.* [*C.O.* 5, 1048. No. 87; and 5, 1120. *pp.* 220-230.]

June 27.
New York in
America.

423. Mr. Broughton to the Earl of Nottingham. I hear nothing of my Commission for Advocate General in the Court of Admiralty. The want of it is a great loss to me, and I am informed Governor Dudley is endeavouring to deprive me of it for his son *etc.* *Signed*, Sa. Sh. Broughton. *Endorsed*, R. Aug. 11, 1704. 1 *p.* [*C.O.* 5, 1091. No. 11.]

June 29.

424. Circular Letter from the Council of Trade and Plantations to the Proprietors of H.M. Colonies in America. *Enclose* H.M. Proclamation for settling and ascertaining the rates of foreign coins in ye Plantations . . . that the same may be published in the most solemn manner in H.M. territories under your Lordships' Propriety. And whereas H.M. by the said Proclamation does require that Peru peices of eight, dollars and other species of foreign silver coins, shall stand regulated according to their weight and fineness in proportion to the rate set for peices of eight, of Seville, Pillar and Mexico, and the Master-worker of the Mint having informed us at what rates those foreign coins ought to pass in the Plantations according to the said proportion, we send your Lordships the inclosed table that it may be fix'd in publick places and observ'd accordingly.

This postscript was added.—In ye inclosed table your Lordships will find Peru peices of eight are computed to pass in the Plantations at 5s. 10½*d.*, but we are well informed that of late years some of those coins are made lighter and some with more alloy than formerly. Therefore your Lordships will do well to have a watchfull eye upon that species, because this computation is for the best sort. Those other sorts that are lighter or baser ought to be regulated to pass in proportion to their weight and fineness. *These words were added to Mr. Penn.*—Upon this occasion we are, to mind you of sending forward H.M. Order in Council for repealing the Pennsylvania Act for settling ye rates of foreign coins in that Province, and to desire you to let us know by what ship you shall send it. *Annexed*,

424. i. Table of rates according to which all foreign coins may pass in H.M. Plantations. [*See June 15.*] [*C.O.* 5, 1291. *pp.* 39-41.]

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425. Similar letter to Governors of Plantations. [*C.O.* 324, 8. *pp.* 467-469.]

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June 29.
Whitehall.

426. Circular letter from Council of Trade and Plantations to the Governors of Plantations in America. H.M. having been informed that intelligence has been had in France of the state of the Plantations by letters from private persons to their correspondents in England taken on board ships coming from the Plantations and carryed into France, which may be of dangerous consequence, if not prevented for the future, it is therefore H.M. pleasure that your Lordship signify to all merchants, planters and others that they be very cautious in giving any account by letters of the publick state and condition of the Provinces of *New York and New Jersey under your Government*, and your Lordship is further to give directions to all Masters of ships, or other persons to whom you may intrust your letters, that they put such letters into a bagg with a sufficient weight to sink the same immediately in case of imminent danger from the enemy, and your Lordship is also to let the merchants and planters know how greatly it is for their interest that their letters should not fall into the hands of the enemy, and therefore that they should give the like orders to the Masters of ships in relation to their letters. And your Lordship is further to advise all Masters of ships that they do sink all letters in case of danger in the manner beforementioned. [*C.O.* 324, 8. pp. 470, 471.]

June 30.
New Yorke.

427. Governor Lord Cornbury to the Council of Trade and Plantations. Your Lordships' letter of April 29, 1703, and of July 29, 1703, are come to my hands. You take notice that since that you have not heard from me, I intreat you to consider that the losses our people here have had in their shipping is the cause why we have very few vessells now that goe directly for England. I wrote last summer by Simmons, and by Bond, they were both taken. I wrote after that by the Virginia fleet, I hope those letters got safe. I sent one letter since by H.M.S. *Centurion*. I beg your Lordships to consider likewise the difficulty I lye under with respect to opportunitys of writing into England, which is thus, the post that goes through this place goes Eastward as farr as Boston, but Westward he goes no farther than Philadelphia, and there is noe other post upon all this Continent, soe that if I have any letters to send to Virginia or to Maryland, I must either send an expresse who is often retarded, for want of boats to crosse those great rivers they must goe over, or else for want of horses; or else I must send them by some passingers who are going thither, the least I have known any expresse take to go from hence to Virginia has been three weeks, soe that very often before I can hear from Col. Nicholson what time the fleet will sail and send my packets, the fleet is sailed. I hope we shall find a way to remedy that shortly, for Col. Nicholson and Col. Seymour have wrote me word that they will be here Sept., and I doe then intend to propose to them the settling of a post to goe through to Virginia, by which I shall have opportunity to write to your Lordships by every ship that sails from this Continent. Our letters do not come safe by the way of Boston. I have had several letters by that way, which have

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been broken open ; however, I will omit noe opportunity of writing. *Refers to following letter etc.* As to the Act for preventing vexatious suits, the Secretary informs me there are no suits commenced in New York, upon any cases relating to that Act. I have received the letters mentioned, July 29, for the several Governours, which I have sent to them, but have no answers yet. The Acts disallowed by H.M. were taken off the file, but not destroyed, soe I have ordered the Secretary to return them into the Office again *etc.* Your Lordships are pleased to order me to cause just and reasonable security to be taken for Capt. Nanfan's answering the ballance of his account, in order to his being released from his confinement, in order to satisfy your Lordships at whose suit he is confined. I herewith send you the affidavit of the High Sherrieff of this county, by which it will appear that he was arrested at the suit of the Queen, whereupon he gave security to answer such summs as should (upon the stating his accounts) appear to be due from him to the Crown or to the forces here, upon which he was immediately discharged ; he has since been arrested at the suit of private persons, who I am satisfied would discharge him upon any reasonable security, but I know he has refused to give any, but still insists that I am to pay that money, because Mr. Andrews received it, and I had done soe if I had not received advice from Mr. Thrale, that I was to pay the subsistance from May 9, 1702, forward, which I have done ; it would have been the same thing to me if I had paid from Dec. 25, 170 $\frac{1}{2}$, for I could have paid but once, but it appears by the account sent to me by Mr. Thrale, and will appear by the accounts now sent to your Lordships, that Capt. Nanfan (if he had paid the money he is arrested for) would be still debtor to the Crown upwards of 200*l.* ; however upon your Lordships' commands I will endeavour to prevail with the persons concerned to take reasonable security from Capt. Nanfan, and I do not doubt but I shall succeed if he pleases to give it, of which I will inform you by the next. We want all manner of stores of warr, some small arms, great gunns *etc.*, as I have formerly informed your Lordships and upon which you were pleased to make a Representation to the Queen, but we have yet received nothing of that nature from England since I arrived here, only 100 small arms and 50 barrells of powder came with me ; I intreat your Lordships to use your endeavours that we may be supplied, especially now in time of war. The General Assembly have lately satt and passed some Acts which I herewith transmit.

(1) An Act granting sundry priviledges and powers to the Reector and inhabitants of the City of New York, of the Communion of the Church of England. (2) An Act for the better explaining an Act to oblige persons to pay their arrears of 1,000*l.* tax *etc.* (3) An Act to repeal the last clause in an Act for the quieting and settling the disorders that have lately happened within this Province *etc.* (4) An Act to charge the several cities and counties of this Collony with 143*l.* 10*s.* 10*d.* for fitting and furnishing a room for the General Assembly. (5) An Act for the better laying out, farther regulating and preserving publick

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common high ways etc. The reason for my assenting to the first is because the Rector and Vestry of Trinity Church have a Charter from Col. Fletcher, and they have been told that Charter is defective, soe they apply'd to me for one that might be more sufficient. I told them I did not perceive that by my Commission I have any power to grant Charters of incorporation and that I would not venture to doe it without such a power, some time afterwards they came to me again, and desired I would give them leave to offer a Bill to the General Assembly to be passed into an Act for settling the Church. I told them I did consent to it, because by that means the Queen would have the matter fairly before her, and I most humbly intreat your Lordships' favourable representation of that Act to H.M. that it may be confirmed. The second is an Act occasioned by a difference among the J.P.s of King's County, which made that Act absolutely necessary for the effectuell recovery of those arrears, I hope it will be confirmed. The third is an Act passed in pursuance of H.M. commands to me; the fourth is an Act I readily consented to because till this time the Assembly has always sat in a tavern, which I thought was a scandalous thing, and therefore I did severall times recommend it to some of the members of the Assembly to think of some method to provide a place fit for them to sit in, this is now done by this Bill, and I hope H.M. will be pleased to confirm it; the fifth is an explanatory Act (so far as relates to Richmond County) of a former Act passed for laying out high ways in this Province, of which there is great need, for till now (except a very few places) there are noe roads passable, this is so necessary an Act that I must intreat your Lordships' favourable recommendations of it to the Queen, that it may passe. Thus I have given your Lordships an account of the Acts past this last Sessions, which has been longer than it needed have been through the endeavours of some ill affected persons, who had a mind to push the Assembly to such extravagant proceedings, as might move me to dissolve them, hoping by that means to get a Dutch Assembly, these methods did prevail with the Assembly, to offer at some things, which I thought not proper for them to meddle with, however having told them my mind of those things I thought it more proper to adjourn them, then to dissolve them, hoping they will grow wiser when the hot weather is over. I will send you an account what those things are as soon as their clerk can prepare a copy of their Journal. Lately some French Indians have been seen a dozen miles above Albany. I have given the necessary directions for the defence of the frontiers, and shall go up in four days myself. *Signed*, Cornbury. *Endorsed*, Recd. 8th, Read 22nd Aug., 1704. *Holograph*. 4 pp. [C.O. 5, 1048. No. 88; and 5, 1120. pp. 194-202.]

June 30.
New Yorke.

428. Governor Lord Cornbury to the Council of Trade and Plantations. Having received your Lordships' commands to give my opinion of certain Acts of the Generall Assembly of this Province passed since March 2, 1698, I ordered copys of the list

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you sent me to be delivered to every member of H.M. Council here, that is in the Province, and at last they have made a report to me upon those Acts, which I enclose, by which it will appear that the two first Acts mentioned in the list and in their report they are of opinion should be confirmed, the reason they give for it is because they think the same may tend to the peace and quiet of this Province, in this I agree with them, though I must observe that there are some persons indemnified by that Act, who have always been the disturbers of the peace of this Country, and are now, and always will be (as far as they are able) irreconcilable enemys to an English Government, particularly one Samuel Staats, and one Abraham Gouverneur, the first is a surgeon who was born in this Province at the time of the Dutch Government, went into Holland to learn his trade, and returned hither again, and was here at the time the Dutch surrendered this Province to the English, upon which surrender Articles were agreed upon, by which those of the Dutch nation, who had a mind to remain here, were to qualify themselves by certain oaths, and there was a certain time limited, beyond which they were not to have the benefit of those Articles, if they did not qualify themselves accordingly. This Samuel Staats stayed here till the time allowed was very near expiring, and then rather than endeavour to make himself an Englishman, he left this Province, and went to Holland, where he remained till a very little time before the Revolution, then he came hither, and joyned with Mr. Leisler, was one of the most active men in this Country, and will never cease his endeavours till he brings this to be a Dutch Government again, if he can; the other is one of those who (at the time of Col. Fletcher's arrival in this Province) lay in prison, under sentence of death, only for rebellion and murder, but was reprieved by Col. Fletcher, and since has obtained (as he says) a pardon from the late Queen, but he has produced noe such pardon, here yet. I could mention others, tho' not of so dangerous a nature, but I am unwilling to make a longer digression. The 4th and 5th Acts, mentioned in the list, and the report, are expired by their own limitation; also the 8th and 14th Acts; the 9th, 10th, 11th, and 12th, the Council are of opinion ought to be confirmed, and I intirely agree with them, because I take them to be absolutely necessary for this Province. The 13th Act is repealed by H.M.; the 15th Act has been reinforced since my arrival here by a new Act of Assembly, which I hope H.M. will please to confirm. The Acts 16 to 28 were repealed by an Act of Assembly since my arrival here, and I hope H.M. will confirm that Act for the reasons I sent to your Lordships with the Act. The third Act in the list and report is repealed by an Act since my arrivall, and I cannot help being of opinion that it ought to be so, because that Act could intend nothing but to justify rebellion by a Law, as will appear by the very words of the Act. The 7th Act is repealed by the Act above mentioned, and the chief reason that induced me to consent to the repealing of that Act was because by it the Church was striped of a lease granted for seven years by Col. Fletcher under

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the rent of 60 bushells of wheat, and as soon as that Act was passed my Lord Bellomont granted the same farme to a Dutchman under the same rent. It is true several grants repealed or vacated by the Act passed in my Lord Bellomont's time were very exorbitant grants, and I think ought to be vacated, particularly that to Captain Evans (which contains near 300,000 acres of land) and that for two reasons, (1) because the quit rent reserved bore no manner of proportion with the grant; (2) because the granting soe vast tracts of land to one single person has notoriously hindred the settling of this country. I must say the same of the grants to Dellius, Pinhorn, Banker etc. and to Bayard, all these grants contain vast tracts of land, and some of them some of the best land in the country. I should have thought that if Capt. Evans had had a grant of 4,000 or 5,000 acres it might have sufficed, espetially since he nor noe body for him has taken any care to settle or improve that land, which extends 30 miles on the west shoar of Hudson's River, and would be a very good place to settle a towne, if those persons who have already offered me to settle there (who are above 30 in number) might have suitable quantitys of land to improve, and I must be of opinion that it would be very proper to have an Act passed here for the vacating of those grants last mentioned, which are really very exorbitant; however I would not propose anything of that nature to the Assembly here, till I receive your Lordships' commands upon that subject, which I intreat you I may have; the 8th Act is the same with the 15th. I offer it to your consideration, whether it would not be proper that I should have an account what Acts of this Province have been confirmed and what not, because there is no footsteps in the Secretary's Office of this Province, nor in the Councill Books, which Acts have been confirmed or repealed, or neither, till the list your Lordships were pleased to send me, and very often in hearings before me in Councill the lawyers of one side affirm certain Acts to be repealed, when those on the other side affirm the same Acts to be confirmed. *Signed, Cornbury. Endorsed, Reed. 8th, Read 22nd Aug., 1704. Holograph. 5 pp. Enclosed,*

428. i. Council of New York to Governor Lord Cornbury. Report on the Acts referred to in preceding. *Signed, Sa. Sh. Broughton, Tho. Wenham, Matthew Ling, John Bridges, Rip Van Dam. Autographs. Endorsed, Reed. Aug. 8, 1704. 6 pp. [C.O. 5, 1048. Nos. 86, 86.i.; and (without enclosures) 5, 1120. pp. 187-193.]*

[June.] **429.** Copy of Acts of New Hampshire, against trespassing on town commons (1702), and for the confirmation of town grants. 1 p. [C.O. 5, 863. No. 98.]

[June.] **430.** Copy of Proclamation by Samuel Allen. By virtue of my grants from the Crown I have taken possession in part of the whole of all the waest, unoccupied and unfenced in lands of New Hampshire, and hereby forbid any person, except those that have taken leases of me or my predecessors, to fence in,

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occupy, graze cattle or cut timber on any such waste lands, without first agreeing with me, which I am ready to do on very reasonable terms. These are also to require all men that have fenced in and occupied any land without any lease, to repair to me and bring with them the boundaries and number of acres, in order to take leases of me before Feb. 10 next. If any refuse to come within the time limited, I will sell and dispose thereof as I shall think most convenient. Newbury, Dec. 24, 1703. Signed, Samuel Allen. 1 p. [C.O. 5, 863. No. 99.]

July 1.
Barbados.

431. The four suspended Members of the Council of Barbados to the Council of Trade and Plantations [see Sept. 21, 1703.] We lay before your Lordships the true state of our case, having great reason to believe that this last transaction of H.E. doth not only wound our particular reputations and interest, but in the designe and consequences of it will have a pernicious influence upon the publick welfare. *Refer to H.E. Speech on that occasion given below.* (1) We answer that the heats and animosities mentioned by him owe their first rise to a Bill brought into the Assembly, for the raising of standing forces, which was apprehended by the generality of the Island to be of pernicious consequence, so that the absenting of several Members from the House seems rather to be the effect and consequence than the originall cause of our heats and animosities, which this Bill first produced. H.E. observes that the absence of those Members from the House hath given a stagnation to all business of the greatest moment, which is very true, and we always lookt upon them to be very blameworthy, but at the same time cannot acquit the other Members who attended the House from all blame, who for a considerable time would give this Bill the preference before all other business, which (if it were not so hurtfull and pernicious as was generally apprehended) yet ought not to have stood in competition with other affairs that more immediately concerned the safety of the Island, and were confessedly of far greater consequence and moment. (2) He says that he hath good reason to believe that the absenting Members have been encouraged by severall Members of the Board, and that our behaviour upon his application made to us concerning the absenting Members is convincing proof of it. Our behaviour is rather a convincing proof to the contrary. For all of us that are now suspended and two Members that are not, were very far from excusing those Members or refusing to censure them, inso-much that upon every application H.E. was pleased to make for our advice upon this occasion we unanimously pronounced them culpable, and that by their absence the Island was very much exposed. And seeing the absenting Members were so numerous as to render the whole House useless, we earnestly moved H.E. for a dissolution, which we look't upon as the most proper and naturall if not the only remedy for these obstructions and the animadversion to be most suitable to their crime. As to our encouraging them upon other occasions out of Councill in their absence, we answer, that upon all occasions we have

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constantly expressed our dislike of their proceedings in this case, and one of us being in discourse with a gentleman of experience and very good account in this Island, complaining of the dangers we were exposed to by the absenting Members, and saying that their apprehensions of this Bill was not a sufficient excuse, for that the Gentlemen of the Council who had considerable interests in this Island would be very deep sharers in the common calamity if anything should pass them of extraordinary bad consequence to the Publick, therefore if these Gentlemen found themselves too weak to oppose the Bill in the Lower House, they might confide in the prudence and integrity of the Council, to this it was answered, that the Assembly knew what power was lodg'd in the Governor, and that he could easily suspend such Members of the Council as should obstruct the passing of the Bill, and put in others in their room. And H.E. himself being in discourse some months ago with another of the suspended Members, and complaining of the unkindness of the Assembly in their not passing the Bill for the standing forces, and being told by the said Member[s] that he beleived the Bill would hardly pass the Council, he answered 'twas easy to remedy that by suspending four or five of the Members if they withstood any Bill which a Governour thought to be for his interest, and put in others who would do the business, and then being asked how he thought that would look at home, upon the complaint or restoration of the Members so suspended, he answered 'twas no matter for that, soe as the turn was serv'd in the meantime. And now H.E. hath been as good as his word, and hath made it manifest that the apprehensions of the absenting Members were not altogether vain. Paragraphs 3-6 contain some arguments by which H.E. saith he is convinced that the suspended Members of the Council encouraged the absenting Members. [*Quoted.*] In answer to which, we intreat your your Lordships to observe that H.E. proceeds from the beginning upon a mistake, and misrepresents the matter, as will evidently appear by the Minutes of the Council, there never being by us any such vote passed judging the absenting Members guilty of a contempt of H.M. authority, which rather was esteem'd to be an error than a willfull contempt, and a fault of the understanding not of the will, which was the vote that pass'd, and the judgment not only of us four suspended Members but of two of the eldest of the Council, that are still continued and only dissented to by the two youngest, and to prove this, desire we may have the Minutes of the Council attested, which we are not now permitted to have. But we did not think these Gentlemen were to be indulged in an error which might prove prejudicial to the Island, or that they should pass without censure, as H.E. seems to intimate, but we earnestly press'd that the Assembly might be dissolved, that being the only way we could think of to remove the stagnation of the publick affairs by which the Island was so much endanger'd; to which remedy, tho' constantly advised by us, H.E. and the two youngest Members of the Council were allways very averse,

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saying that was what they themselves would be at, and would be to punish the good with the bad, and H.E. proposing other methods, sometimes that the absenting Members should be sent home to the Queen, in order to which the Secretary and Clerk of the Council were commanded to search the Council Books, in relation to Judge Farner, his being formerly sent home; sometimes he proposed that they might be committed for contemning the Queen's writ, at other times that they had forfeited and abdicated their places in the Assembly, as King James did the Crown, and that after the example of England, it was lawfull for the other two parts of the Legislature to supply their vacancies, and to issue out new writts for the choice of others in their places. And so we had the misfortune to fall under H.E. displeasure, because we could not so far comply with his inclinations as to advise him to such proceedings as were very extraordinary, and without any law or precedent, that we could find, when at the same time it appeared to us that a dissolution was most natural, effectual and only remedie; and we are morally assured that such a dissolution would have had a very good effect, and that other Members would have been chose, who would have applyed themselves diligently to promote the common safety. But that would not answer the designs then on foot, it being very probable, the Island being generally under strong apprehensions of the bad consequences of this Bill, that those 12 gentlemen who had zealously promoted it, would have been left out in the next choice, and others elected in their places, who would have preferred the publick interest before any private considerations. For that the body of the Island in generall is so inclined, plainly appears by what happen'd at the Grand Sessions held upon the Tuesday after we were suspended, and continued from June 13 for severall days after, where notwithstanding H.E. had modell'd the Court as he thought fit, by turning out or putting in what Justices he pleas'd. And the Court so modell'd pickt out a Grand Jury of 15 out of 66 persons, so many being return'd for Jurymen for the whole Island; yet 7 of the 15 could not be prevailed upon by all the arguments the Court could use, who urged them very vehemently to sign an Address to H.M., ready drawn up for them, wherein all who were against the Bill, and the Members of the Council lately suspended, were reflected upon as factious, and others of them who did sign it, were prevail'd upon by extraordinary solicitations contrary to their judgments. (5) We cannot discern any inconsistency in the assertion (*quoted by H.E., paragraph 5*), it being very possible that a man may be expert in military affairs, who may not be so well inform'd in matters relating to the Civil Government. And further, H.E. reports our opinion we gave upon this question imperfectly, and in part only, as well as what he says of that Member upon whom he seems to reflect, as if he had said something absurdly, for we very well remember what was then said by him, vizt., that he apprehended it then to be the great business of the Board to provide a proper and speedy remedy for those great inconveniences we lay under,

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and dangers that threatened us, caused by the stagnation of all publick affairs made by the absenting Members of the Assembly, to which the turning any Members out of other Offices would avail nothing at all as long as they were still kept in the Assembly, and therefore again proposed a dissolution, in which opinion all the Councill resident in this Island (except the two youngest) agreed. This Member also said upon H.E. naming Col. Maycock and Col. Kirton to be unfit for their employments, military and civil, that he apprehended we were too much endangered already, several regiments being unsettled by many of the cheif Officers being turn'd out, and would be more. So by this means (which is too sad a truth) yet neither did we absolutely dissent from H.E., tho' we thought it inconvenient in this present juncture to displace them, but only gave our opinion that since H.E. had by the humble motion of the absenters given them libertie and a few days' time to offer what they could to H.E. and the Board in excuse for their absence, that H.E. might deferr these censures till these gentlemen were heard, and afterwards proceed as he thought fitt. (6) H.E. expresses his dissatisfaction with our particular behaviour to himself, which we can (with a great deal of truth) aver hath been always (as became us) with all due respect and deference to H.E., of which no one instance (with proof) can be given to the contrary, unless our dissenting in some things wherein our consciences, judgment and duty to H.M. directed us so to do, may be esteemed too great a liberty, and interpreted a misbehaviour. We have not been wanting, according to our best abilities, diligently and faithfully to discharge the trust H.M. hath reposed in us; two of us, vizt., Major Lillington and Mr. Cryer, have been allways most constant and early attendants upon H.E. in Councell, as all the Members and Officers can testify, and the Minutes will make appear. And the other two, vizt., Mr. Terrill and Col. Ramsay, living more remote, and having been of late afflicted with sickness, have attended as often as their health and contingencies of the weather would permit, and in case of involuntary absence have desired to be excused and signified their reasons. As to a Councill not being made on June 6, Major Lillington was detained at home by an acute and violent distemper; Mr. Terrill was also sick, Col. Ramsay was prevented by the violent raines, which fell the day before and the same morning, from coming so early as he intended, and Mr. Cryer came early, as Mr. Sharp can testify, with whome he came to Councill. To (7) we answer, as farr as relates to our own behaviour, we hope that we shall never have any opportunity of returning to our duty, either to H.M. or H.E., having never yet (we hope) been guilty of any violation of it; and shall be most carefull not to deviate from it. And as for the tenderness and moderation H.E. seems to insinuate that he hath been guilty of towards us, we are sorry that he hath made it necessary for us to lay before H.M. and your Lordships some particular instances in which we conceive he hath acted quite otherwise, and in so doing departed from several of H.M. Instructions, if his be the same that we find have

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been given to some preeceding Governours. He communicated to us one Instruction that the Members of the Councill shall have and enjoy freedome of debate and vote in all matters of publick concern. Besides some other instances wherein he hath appear'd to be uneasy when we have taken this freedom, which we have never done without all due modesty and deference to H.E., he hath very much restrained that liberty which H.M. hath graciously given us, particularly in that instance mentioned in his Speech, wherein he proposed the question, whether the absenting Members of the Assembly ought to have any other place or trust in the Government. For tho' we thought there was a necessity of censuring that error by a dissolution, yet being very sensible that we were sufficiently exposed already by the turning out the Officers of the Militia (which is now in a miserable confusion), against whom H.E. was not pleased to make any objection with relation to the discharge of their duty in those posts, nor doth it appear that their greatest enemies have anything to say against them in that point; and for that we did not think it seasonable at that time by encreasing the disorders of the Militia to expose ourselves further to the insults of an enemy very near us and watchfull of all opportunities to take us unprepared, and could not in conscience or judgment of charity joyn with H.E. in pronouncing the absenting Members guilty of a wilfull contempt of H.M. authority, disloyalty and faction, when no instance was offered in all their other behaviour, which lookt like anything of that nature, yet because we could not depart from our judgment and conscience to comply with H.E. inclinations in this point, he treated us with a very unusuall severity, and told us with frowns that we were factious and cowards, and afraid of displeasing the people, in a threatening manner, saying, "Gentlemen, have a care," which we look upon to be an extraordinary way of proceeding with H.M. Councill, and in H.E. a manifest violation of H.M. Instruction before recited, and to be altogether inconsistent with that patience and moderation which H.E. commends himself for. We find another Instruction that the Governor shall communicate to the Councill such of H.M. Instructions wherein their advice and consent is mentioned to be requisite, which H.E. hath not thought fit to comply with, for we find another Instruction, wherein, to prevent arbitrary removalls of Judges or Justices of the Peace, it is provided that H.E. should grant all such Commissions with the advice and consent of H.M. Councill to fit persons for those employments, which Instruction H.E. hath not thought fitt to communicate to us, because he has no mind to observe it. It would be very tedious to enumerate those multitudes of instances wherein H.E. hath acted contrary to H.M. Instructions, placing and displacing a great number of Judges and Justices of the Peace, not only without the consent, but against the advice of the majority of the Councill, and therefore we shall only trouble your Lordships at present with one instance that was attended with remarkable circumstances, and that was his making William Holder, Esq. (the Speaker of

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the Assembly) Cheif Judge of Common Pleas for the Precincts of St. Michael (the greatest Court in the Island), against whom several Members of the Councill objected, as a person unfit for that place and office, because there were very violent presumptions that Holder was never baptiz'd, that he never had taken care that any of his children should be baptiz'd (being seven in number), that he never received the Holy Sacrament, nor came to Church at any time, unless upon the occasion of funeralls, and that very rarely, holding no Communion with ye Church of England or any other Christian Congregation, which objections are not any of them as yet removed; and when three of the Members of the Councill did not only dissent but desired their dissent might be entred in the Councill Book, and the fourth was going to give his opinion the same way, who made up the majority of the Councill (there being then but seven present), H.E. was pleased to tell us that tho' he ask't our advice, yet he would not have us think that this matter should be determined by votes, but that he would do in it what he himself thought fitt, and that Holder should be judge, and presently call'd for a Commission that was ready drawn, ordered it to be fill'd up, and Holder's name to be inserted, who now acts as Cheif Judge to the great affront of our Church by law established, and discouragement of Christianity. We shall only trouble your Lordships with one instance more, which (we doubt not) will plainly discover to your Lordships the true reasons of our being suspended, and that those assigned are but pretences, wherein H.E. hath not complied with a late Instruction from the Queen (Aprill 20, 1703). This Bill for the raising of standing forces is an evident breach of H.M. command that no Governor should pass any Law for, or receive any gift to be made either by the Assembly or others upon any account in any way whatsoever; this Bill if passed, being in effect a standing present to H.E. of at least 3,000*l.* per annum, so much at least, by an exact calculation the highest rate for provisions being allow'd, appearing to remain after all the appointments of the Bill are complied with, which calculation hath been made by several skilfull in accounts, and amongst the rest by a certain gentleman of this Island of a very considerable intrest, who offered that in case he might be made Paymaster of the Forces, he would comply with all and singular appointments contained in the Bill, and be obliged to pay annually into the Publick Treasury the summ of 3,000*l.*, during the time he should continue so. And this is the reason that it became impossible for any person who was not a favourer of this Bill to be in favour with H.E., and it is a very plain case that H.E. suspicions of our not being such was the true reason of our being suspended from the Councill, and this made H.E. so fond of this Assembly that he would not be prevail'd upon to remove those disorders, and that dangerous stagnation of all publick business which he so much complains of, by a dissolution, when he might have had another Assembly in three weeks, because 12 of them (the majority of 22) were resolved to prefer this Bill before all other affairs. And it is very plaine they did

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so, for tho' the Bill was speciously laid by for some time, yet the necessary publick affairs were as much neglected as before. And those 12 gentlemen would always proceed upon such things as tended to facilitate the passing of the Bill, as the altering of the Quorum of the Assembly from 15 to 12, or upon a Bill for regulating elections, in order to the modelling of the next Assembly, and in the meantime our intrenchments and fortifications lay as much neglected as ever; whilst only private considerations took place, and the publick was in nothing provided for. And this (no doubt) was the reason of H.E. arbitrary displacing so many old officers both military and civil, to the great encreasing of our confusions and danger, none being promoted but the favourers of the Bill, nor any kept in office who opposed it, this one qualification being sufficient to recommend persons not otherwise extraordinarily qualified to places of honour and trust, and the want of it to displace gentlemen of the greatest worth and merit. The cause of the Bill, as appears by the preamble, did proceed from the hardships the inhabitants lay under by H.E. appointing guards in all the forts etc. without the advice and consent of the Council, which is positively contrary to the 38th clause of the Act of the Militia for this Island, which illegal proceedings are punishable by an Act of King William III. *to punish Governours of Plantations in this Kingdom for crimes by them committed in the Plantations.* We lay before your Lordships, how precarious and insignificant H.M. Council in Barbados is made by the Governour, and how incapable to render H.M. those services she expects from them, to promote anything for the good or to oppose anything that tends to the detriment of the publick, whenever private interests stand in competition with it, or to hinder the oppression of H.M. good subjects here, when any Governour to serve a present turn, upon any pretence he shall please to frame, can suspend what Members at the Council he pleaseth, without sending his reasons first to H.M., and put in such others as he shall think fitt, and will assume an arbitrary power without the consent and contrary to the advice of H.M. Council (which is the present case) of placing and displacing all officers, military and civil; by which means he will be able to influence and overawe the freeholders in the choice of their Representatives, and so purge and pack the Queen's Council and make such an Assembly as he shall think fit. By this means H.E. becomes arbitrary, and absolute maker and disposer of the lives, liberties and estates of all H.M. subjects here, and contrary to H.M. most gracious intentions, may under the pretence of law exact what summs he pleases from them, and wholly make void that her gracious design for the ease and good of her subjects here, in advancing the Governor's salary to 2,000*l.* per annum, which she is pleased to express in her letter to be this, vizt., that the Assembly of Barbados may have an opportunity of applying those large summs which they usually gave in presents to the Governours, towards such other publick uses as may be most necessary for the defence and safety of the said Island etc. (April 20, 1703). We hope it will

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appear plain to your Lordships (for we have asserted nothing here but what we are able to make appear upon oath, if liberty be granted of taking depositions which we humbly pray for) that our willingness that these good intentions of H.M. towards her good subjects here should not be evaded, was the real occasion of our being suspended, and not any faction in us, the promoting of which we utterly abhor. And whereas we have upon June 26 given in our answers to H.E. reasons assigned for his suspending us, and at the same desired that we might have copies of any proofs taken against us (if any such there were) in order to be transmitted home to your Lordships together with our answers, according to H.M. Instructions, since which H.E. hath said nothing further, We therefore most humbly pray your Lordships, that if H.E. should offer or make any further complaints against us, we may have copies thereof, and time and liberty to make our defence thereto, and if liberty be granted for the taking depositions, we doubt not but our innocence will plainly appear, and that the before mentioned, and a great many more enormities, have been acted on the other side. And as our hearts are full of loyalty, and possess with the deepest sense of gratitude to H.M. for the great advantages we reap by her good and gentle government, so nothing could more sensibly afflict us, nor wound us deeper, than the apprehension that H.M. should esteem us capable of the least disloyalty or disobedience *etc.* Signed, Geo. Lillington, Michael Terrill, David Ramsay, Ben. Cryer. *Endorsed*, Recd. Read Sept. 26, 1704. 9 large pp. *Enclosed*,

431. i. Governor Sir B. Granville's Speech to the Council of Barbados (*referred to in preceding*). Present, the Hon. Geo. Lillington, William Sharp, Ben. Cryer, Robt. Johnston. June 7, 1704. "(1) The heats, confusion and animosities that are now and have been for some time amongst the inhabitants of this Island have appeared plainly to owe their rise and occasion to the absenting of severall Members of the Assembly from their House in contempt of the Queen's authority and breach of the trust reposed in them by the people, and that their obstinately refusing to doe their duty has given a stagnation to all business of the greatest moment. (2) I must be plaine to tell you that I have good reason to beleive such practices have rather been encouraged than discountenanced by severall Members of this Board, and your behaviour upon application made to you concerning the absenting Members of the Assembly is a convincing proove of it. (3) Notwithstanding that a vote passed here judging such Members guilty of a contempt of H.M. authority and breach of their trust, yet it was the opinion of some of you that such Members should not be farther censured, but that tryall should be made whether they would returne to their duty or not, and tho' this favour was granted to them, and also their owne termes from the rest of the Assembly, contrary to all reason or precedent,

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they being the lesser part of that body, yet they have persisted in the same crime, and after many weekes had beene spent notwithstanding of repeated summons from me, and severall adjournments of ye major part of ye Assembly, yet their absenting themselves hindred that body from doing the business of the Island, which was indispensibly necessary. (4) Upon this account twelve of the Members represented the condition of the country, and that the occasion of all the misfortunes that had happened and might befall the Island ought to be laid at the doors of the absenting Members, and not to theirs, for they had given their constant attendance. This Representation was read and entred in the Councill books, and another vote past censuring the absenting Members in the same manner as before, and when I proposed the question desiring your advice and opinion (5) whether they ought to have any trust in the Government, yet severall of you were soe farr from concurring with me that it was said by one of you that a man might make a good officer in the Militia, and at the same time be unfit for an Assembly man, and four more of you refused to pass any further censure upon them. Whatever meaning you may put upon this behaviour, I can take it to be noe other than a justification of those you have judged guilty, and it seems to me a strange contradiction, that a man who has been declared guilty of contemning the Queen's authority, and breach of trust to the people in one capacity, should not onely be suffered to goe unpunished, but be thought fitt to be trusted in another. (6) As I am not satisfied with your behaviour in these matters for the reasons I have given you, neither am I so in your particular carryage to me, and I can look upon your often absenting yourselves from this Board, and your frequent attending at houres so much later than ordered noe other than a contempt of my authority, in violation of the trust H.M. had done you the honour to put in you, and I must particularly take notice of your not makeing a Councill on Tuesday last when you were so expressly enjoyned by me to do it, and upon matters of so much concerne to H.M. service and the interest of this her Island. (7) I have hitherto used all moderation and waited many months with patience to see if men would returne to their dutys, my doing so has had effects contrary to my expectation, and rather encreased than removed these disorders. Seing therefore your forts and intrenchments, which are your defence against an enemy powerfull and neare you, are in so bad a condition, the debts of the Island many and growing, the matrosses starved, criminalls escaped for want of a gaol, and every man thereby encouraged to do what mischeife he thinks fitt, in a

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word, which way soever I look the Queen's subjects in danger, seeing, I say, that these and many more misfortunes which attend us are all occasioned by the neglect and refusall of severall Members of this Government doing their duty, and that H.M. will require from me principally an account of the administration of this Government, I doe now think it my duty to make use of the power and authority shee has been pleased to lodge in me, for the peace, good government and preservation of this her Island, and the inhabitants thereof, and doe by virtue of that and for the reasons above mentioned as well as for some others (which shall be entred in the Councill Books) suspend the Honble. George Lillington, Michael Terrill, David Ramsay, and Benjamin Cryer, Esqrs., from being Members of H.M. Councill of this Island." Then H.E. was pleased to declare that he did suspend George Lillington, Esqr., for encouraging faction, and his name being in H.M. Instructions called Richard Lillington, when his name is George Lillington; Mr. Terril for encouraging faction and not attending in Councill; Col. Ramsay for encouraging faction and not attending in Councill; Mr. Cryer for encouraging faction, for not attending as he ought to doe in Councill, and for his marrying people without any licence from H.E. in breach of H.M. power exprest in her Patent. *Copy.* 2½ pp. [*C.O.* 28, 7. Nos. 35, 35.i.; and 29, 9. pp. 7-47.]

July 2.
Barbados.

432. Governor Sir B. Granville to the Council of Trade and Plantations. A packet boat arrived here June 29 and brought me your Lordships' commands of May 4, those relating to the not sending away an advice boat to General Codrington when Commadore Walker was here, I will strictly examine into and give your Lordships a very exact account by the next ordinary. I believe it will prove to have bin the effect of those differences and animosities have bin for some years past amongst the people of this place, and which I found them in. I have labour'd all I could to reconcile and unite them in which having fail'd, I am endeavouring now to root out the seeds of these dissensions then which nothing has nor can be more pernicious to this place. Upon this occasion I don't doubt but I shall be clamour'd at before your Lordships, being opposed by those who, tho' being but few, are however the persons who had wrested the whole managements of affairs here into their hands, and the power too, which they have made use of towards repairing their broken fortunes, impoverishing the Island and endangering H.M. authority. The mony and the labour which has bin given by this country for the encrease and repaire of their fortifications amount to excessive sums, and yet they look like abandon'd places. I have laboured all I could to bring this matter into a true light and was in hopes I should before this have laid it clearly before your Lordships, but these persons have turn'd

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themselves every way to prevent me, and not stuck to raise factions against me both in the Council and Assembly, but I have now carried it so forward that I may promise myself very speedily to give your Lordships the full informations of the rise and progresse of these evill practices and afterwards hope by your Lordships' directions such a settlement may be made here that shall be lasting for the good of the people, interest of England and H.M. service. As to what relates to the publick transactions here, I must refer myself to the Minutes of the Council. Tho' by my Instructions I am directed to send them but every three months, I have found it necessary to send now what has bin done since [*my last sending of them*], it being from them your Lordships will best discern the present condition of this place as well as temper of the people; your Lordships will see by them that I have suspended four of the Members of H.M. Council and the occasions of it, in which I have acted with zeal to H.M. service, resisting all temptations to divert me from my Duty: the answers those gentlemen have given me were put into my hands so late, that they could not be copied now, nor my reply to them, nor what is farther to be said in this matter, but shall all be prepared for the next packet-boat. The gentlemen I have put into the Council in the room of them I have turned out are three, being by my instructions directed to fill them up allwaies to seven, Col. Abel Alleyne, who as the first of 'em is one of the gentlemen of the best reputation and estates in the Island, a man of great honesty and integrety, whose interest here is the most considerable of any man's whatsoever, having a numerous family all grown up, his sons masters of estates of their own equall to most, and his daughters married to some of the best estates of the Island. Col. Cleeland has a very considerable interest and estate, of known honesty and integrity, has long bin settled upon this place and bin formerly in some of the chief employments: amongst the rest and is fitt to be encouraged here. He went the last war upon the expedition to Martinique Lieut. Colonel to those men that went from this Island and behaved himself very bravely. Mr. Callow is a clergyman, Rector of St. Phillip's, and beleiving it to be H.M. intentions that one of the clergy should allways be of the Council, having observed it to have constantly been so of late, I put him in, he being also every way else qualified for it. He is a man of an exemplary life and conversation (which is hardly to be said of any other here), very well allyed in England, very easy in his circumstances, having by his industry since his being here acquired a very handsome fortune. He is free from all law suits, and so are the other two, more than any persons I know in the Island, whereas those I have turn'd out were involved in many, and for that reason tho' I have sat oftener in Chancery than any Governor has don before me, there has as little buisnesse bin don, it being their interest to raise delays and carry matters into length. I don't doubt but the successe this proceeding of mine will have both in the dispatch of matters of Justice as well as of all other publick buisnesse will justifie me in it, and that

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these gentlemen I have put into the Council will deserve your Lordships' confirmation. Upon the whole matter I must desire leave to make this declaration, that I have acted on this occasion with all resignation to H.M. service in discharge of the trust she has done me the honour to confide in me, and that I allwaies will doe so, ever esteeming H.M. favour my greatest Riches and my greatest fortune. I have your Lorps'. farther commands of May 4, wth Mr. Attorney General's opinion about Manasses, and the stores demanded by the agents, it is what I was not consulted in, and if I had I believe it would not have been my opinion to make such large demands of that kind, as for the 24 pounders I should be glad of them, but for the rest of the great ordnance, as it amounts to a great sum, so I beleive at this present it might be laid out more for the advantage of this Island as well as that for the small arms, which are generally what the people of this place furnish themselves withall, and will not want tho' they buy it out of their mony, and besides a greater magazine of stores than can be for present use is improper here, the rust spoiling all iron, the vermin destroying all wood and other materials, and waste made when there is anything superfluous. In your Lorps'. letters Feb. 16 last there is mention made of copies of commissions and instructions for privateers to be sent me, notwithstanding there has not any such yet come to my hands. *Signed*, Bevill Granville.

P.S.—As I was sealing this letter the *Blackwall* came in from her cruize and brings an account that between Guadaloup and Antego (where he had put in for wood, which is very scarce here) he saw two French men of warr, one of 60 and the other of 36 guns; that they bore down upon him, but could not come up with him; he was inform'd at Antego that these two men of war came about a month since to Martinique convoy to a fleet of 18 sail of merchant ships. *Endorsed*, Recd. 9, Read 19 Sept., 1704. *Holograph*. 8 pp. [C.O. 28, 7. No. 36; and 29, 8. pp. 474-481.]

July 3. **433.** Governor Dudley's Proclamation for permitting a trade to the Spanish West Indies. *Two printed copies*. [C.O. 5, 751. Nos. 52, 52.A.]

July 4. **434.** W. Popple, jr., to Mr. Burchett. The Council of Trade
Whitehall. and Plantations having under consideration a Report to be made to H.M. upon Jamaica, desire to be informed what Naval strength is at present there. [C.O. 138, 11. p. 284.]

July 4. **435.** J. Burchett to W. Popple. *Reply to above*. Naval
Admiralty strength at Jamaica: *Norwich* (4th rate), *Anglesey* (A.), *Experiment* (5th), *Scahorse* (6th, lost). These are under orders
Office. for England: *Fireships*, *Earl*, *Harman*; sloop, *St. Antonio*; bulk, *Lewis*. Gone thither: *Guernsey* (4), *Nonsuch* (4), *Mermaid* (5), *Deal Castle* (6). *Signed*, J. Burchett. *Endorsed*,
Recd. Read July 5, 1704. *Addressed*. 1 p. [C.O. 137, 6. No. 57; and 138, 11. pp. 284, 285.]

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July 4.
New York.

436. Roger Mompesson to the Earl of Nottingham. *In reference* to H.M. commands as to Lord High Admiral's dues and the proceed of prizes. Lord Cornbury dos take all due care in this Province and New Jersey, which will tend to ye prejudice of ye Trade of these Provinces, if the Govmt. of England dos not speedily prevent the abuses in ye Proprietary Governments, for now most Prizes are carryed thither, particularly to Road Island, for H.M. and ye Lord High Admiral's dues are sunk there. Before I was concerned there, the Governor and Council took upon them to determine Admiralty causes. And Governour Cranston pretended to grant commissions to privateers, and by colour thereof a prize was taken and brought into Road Island and eondemn'd and adjudg'd a prize to ye Captor. This was since Col. Dudley was Vice-Admiral there; 'tis true indeed at first he oppos'd the proceedings till his son as Advocate recd. 50 or 60 pieces of eight *etc.*, and then he suffered them to go on to condemnation. And one Tongerlon, a Frenchman or Dutchman never naturalized, has lately recd. the like Commission, and has taken 5 or 6 prizes, Dutch Curaso traders, one of them is sent in already to Road Island, and ye others are dayly expected. They did in all things behave themselves at Road Island when I was there as if they thought themselves out of ye dominions of ye Queen. And till they are reduc'd to their due obedience to ye Crown, the Royal Governments will suffer very much in Trade. There may be legal ways found for bringing these people to better obedience, notwithstanding their Charters, perhaps by Commissions of Enquiry for informing the Parliament, or for grounding a sciri facias agt. their Patents. And I doubt not but many of the powers wch. they exercise will be found to be usurped without any pretence of Law, *etc.* In the meantime it seems to me that the Governours of Connecticut and Road Island, who are chosen every year and act without ye Royal Approbation, or taking ye oath *etc.*, forfeit for every year 1,000*l.* sterl. by the Stat. 7 and 8 Wm. III. c. 22, and that the same may be recovered in the Court of Admiralty in the Plantations. But 'tis a matter of so great concern that I would not direct such a prosecution before me in Connecticut without the direction of ye Government at home. As for Road Island, I have nothing to do with it, Col. Dudley having gotten my Commission superseded for that place as well as for Massachusetts Bay and New Hampshire for his friend Col. Byfield, a true New England man, a mercht. and independent elder or deacon. But if my Commission were continued for that place, I doubt how far I or any man living could pretend to be serviceable to ye Crown or Church of Engl. under the command or influence of Col. Dudley; or how there can be any due prosecution whilst his son is Attorney or Advocate Genl. there. Instructions alone from England will not be sufficient. New and larger powers must be given to persons that are willing and able to doe the Crown and Church of England service, and that very speedily, for antimonarchical principles and a malice to ye Church of England dayly encrease in all those places where ye magistracy encourage them, wch.

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is done in most Proprietary Governmts. not omitting Boston. And to my own knowledge some of their leading men already begin to talke of shaking off their subjection to the Crown of England.

As to a strict enquiry after Pyrates and goods pyratically taken. My Lord Cornbury has made some progress therein in ys. Province and New Jersey. And I doubt not but in a convenient time a good account will be given of ye same. But the neighbouring Colonys, especially Road Island, have more of such effects amongst them. I began to be prying into them whilst I was there, weh. I believe hastned the superseding my Commission. The persons concerned are rich and wealthy men, and should any prosecution be set on foot against them, whilst the Government is there in the same hands as now, both on land and sea, the pyrates would be in less danger then the prosecutors or impartial judges. And tho' Col. Dudley has condemned 14 or 15 pyrates on a Commission near 2 years since expired, yet men that will make law and justice their guide expect a renewal of yt. Commission before they proceed in any such causes. *Signed*, Roger Mompesson. *Endorsed*, R. Aug. 11, 1704. *Holograph*. 4 pp. [C.O. 5, 1091. No. 12.]

July 4.

437. Sir G. Heathcote and Sir B. Gracedieu to the Council of Trade and Plantations. In reply to your Honors' desire for for an account from us of the present state of Jamaica, both as to its land and sea force. As to what concerns the two Regiments, Capt. Gardner, their Agent, can give you the most exact account; what we have further to offer is, that the recruits and the intended additional Companys may be immediately sent, for if they should now begin upon it, they cannot arrive there till Oct., which is a healthy time, altho' thank God the Island is now very healthy, and as it used to be in former times. 'Tis the more necessary that they should be dispatch'd, the men of war for these many yeares last past having made such havock in the Island by pressing, that they have scarce left white men enough to defend themselves against their own negroes, for 'tis not only to be considered what they have taken off the Island, but the vast numbers they have frighted away from it, as may now be more particularly seen by the many hundred English seamen fled to the Dutch Settlement at Curassoa, and the Island hath had no supplys, for, for fear of this pressing, neither English seamen nor seamen of any other Nation will come near it; next to the judgment of the earthquake and the sickness that followed it, this hath been the great occasion of the Island's being reduced to this miserable condition. As to the men of war, by the last advices there were only three small frigats there, and four more have been sent since, but those three frigats and we suppose one of the last four, are by this time sailed from thence convoys to the fleet of merchant ships for England. So there will be but three small frigats left there. As to what will be necessary for its defence, we can only say that that is to be proportioned to the strength the enemy shall bring against

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it, which we fear will be considerable, for it lying in the heart of the Spanish Dominions and seated right to gaulle them on every side, now that they know the weakness of the Island, it may be reasonably beleived they will no longer neglect the drawing this thorn out of their side, all our letters from thence telling us that, by the prisoners and other intelligence, the French and Spaniards had jointly formed a design upon them. It is highly necessary for the safety of that Island, and also to disturb the French in their trade, that six or seaven frigats more be sent, and that if the French make preparations of a considerable fleet for those parts, that a further naval strength in proportion to theirs be also sent thither. We are informed by persons that have lived long in that Island, that for the safety of Port Royal it will be necessary that a couple of fire-ships be sent well equipt and kept continually in that Port during the war. *Signed*, Gilbert Heathcote, Bartho. Gracedieu. *Endorsed*, Recd. Read July 4, 1704. 1½ pp. [*C.O.* 137, 6. No. 56; and 138, 11. pp. 280-283.]

July 6. **438.** Order of Queen in Council. Upon Representation
St. James's. on the case of Peter Van Belle [June 13], Ordered that the Council of Trade and Plantations write to Governor Sir W. Mathew accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read July 13, 1704. ¾ p. [*C.O.* 152, 5. No. 74; and 153, 8. pp. 326, 327.]

July 6. **439.** Order of Queen in Council. The heir of Major General
St. James's. Selwyn is permitted to receive the 2,000*l.* [see June 21]. *Signed*, John Povey. *Endorsed*, Recd. Read July 14, 1704. 1 p. [*C.O.* 137, 6. No. 58; and 138, 11. p. 293.]

July 6. **440.** Council of Trade and Plantations to Mr. Secretary
Whitchall. Hedges. Reply to letter of June 16 (*q.v.*). *Quote* Capt. Gardner's account of the Regiments (June 27). According to the Establishment, two intire Companies are to be added to each Regiment, and the several Companies now at *Jamaica* to be made up 59 men in each (servants included), so that 420 men are wanting to compleat the same, as also 4 intire Companies, for the raising of which 4 Companies orders have been issued some time past. And we are humbly of opinion that as well the necessary recruits as the said additional Companies be dispatch'd with the greatest speed, the season of the year being now proper for their going thither. As to the sea force, we are inform'd that there are at present there 2 fourth rates, 1 fifth and 1 sixth rate. Sir B. Gracedieu and Sir G. Heathcote propose that 10 ships of war be appointed for the constant guard of that Island during this time of war; but we are of opinion that the increase of the Naval strength will be best determined by H.R.H. the Lord High Admiral. Upon the application of the said Agents, we humbly offer that the ships of war to be sent thither have their highest complement, that they may not be obliged to take off men for

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their supply from that Island, *etc.*, as *quote their Memorial July 4*, "which agrees with the information we have received from the Governor." [*C.O.* 138, 11. *pp.* 286-288.]

July 6. **441.** Order of Queen in Council. Refer enclosed petition
St. James's. to the Council of Trade and Plantations, who are to write to the Governor of Barbados, taking notice of the delays and obstruction of Justice complained of and requiring him to take care that the administration of justice be there expedited in the petitioner's case as the Law requires, as also signifying that, if Thomas Maycock, therein referred to, do by means or under the protection of the offices he enjoys continue to impede or obstruct the course of Justice in the present case, the Governor do suspend him from the place of Judge and all other offices until the cause or causes in which Maycock and the petitioner are concerned shall be determined. *Signed*, John Povey. *Endorsed*, Reed. Aug. 6, Read Oct. 19, 1704. $1\frac{1}{4}$ *pp.* *Enclosed*,

441. i. Petition of Thomas Foulerton of Lincoln's Inn, Esq., to the Queen. In 1693 petitioner and John Farmer and Joyce Keid did let a plantation in Barbados to Thomas Maycock, John Waterman and John Beninger, at a yearly rent of 750*l.* They did not pay the rent, but abused and destroyed the plantation and negro slaves thereunto belonging in a barbarous manner, insomuch that petitioner's attorneys, after the death of Beninger, were forced to compound with Maycock and Waterman to get the plantation out of their hands. On the surrender, Maycock and Waterman submitted all their differences to arbitrators, who reported 1,547*l.* to be due to petitioner. But such is the injustice of Maycock, since Waterman's death, that tho' petitioner hath his bond and covenants *etc.*, he can neither get one penny, nor bring Maycock to trial in any Court, Maycock being Chief Judge of one of the Courts of Common Pleas in the Island and Colonel of a Regiment and a Justice of Peace, by means of these great offices he finds ways to keep your Petitioner from any trial at Law or in Equity. Prays H.M. directions that Maycock may no longer by means of his great offices shelter himself from Law and Justice, *etc.* *Copy.* 2 *pp.* [*C.O.* 28, 7. Nos. 37, 37.i.; and 29, 9. *pp.* 61-66.]

July 6. **442.** Order of Queen in Council. Referring enclosed petition to
St. James's. the Council of Trade and Plantations for their opinion. *Signed*, John Povey. *Endorsed*, Reed. Read July 10, 1704. 1 *p.* *Enclosed*,

442. i. Peter Sonmans and William Dockwra for themselves and the rest of ye Proprietors of the Eastern Division of the Province of Nova Casarea or New Jersey to the Queen. Staten Island lies within the boundary of the land granted to the Proprietors by the Duke of York, 1682. The Governor of New York claims and keeps

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possession of it in right and for the use of your Majesty. Pray for the hearing and finall determining of the matter. *Endorsed*, Recd. Read July 10, 1704. 2 pp. [C.O. 5, 970. Nos. 21, 21.i.; and 5, 994.A. pp. 168-171.]

July 7. **443.** H.M. Instructions for Col. Handasyd, Governor of Jamaica. [C.O. 138, 11. pp. 195-256.]

July 7. **444.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. It being necessary that an Instruction be sent from H.M. to the Governors in pursuance of a late Act of Parliament relating to the navigating of ships, we pray you to present the enclosed Instructions [see July 17] to H.M. for her royal signature. *Signed*, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Autographs*. 1 p. [C.O. 5, 3. No. 17; and 324, 8. p. 476; and 38, 6. p. 15; and 5, 726. p. 283.]

July 8. **445.** Governor Handasyd to the Council of Trade and
Jamaica. Plantations. There is a great fleet of merchant ships to saile, being in number 52, besides the men of warr that are to convoy them *etc.* I have sent all the French prisoners that were left here to England by the Fleet and the Spanish I have kept in hopes to have them exchanged, which may oblige the Spaniards, who seems to be inclinable to the House of Austria. I have communicated Lord Nottingham's letter to the Council, who have given notice to the merchants about trading with them *etc.* This island is at present very healthy and very quiett from any attempt of the enemy, since they have mett with soe many disapointments, and soe many of their ships and sloops taken, and those that have attempted to land have had their bones very well paid, and a great many of them killed and the rest made prisoners of warr. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 28 Sept., Read 12 Oct., 1704. *Holograph*. 1½ pp. [C.O. 137, 6. No. 59; and 138, 11. pp. 333, 334.]

July 8. **446.** Governor Codrington to the Council of Trade and Planta-
Antigua. tions. *Returns thanks* for the great civility of your Lordships' of May 4, as well as for all your former favours. The Ministers and ye Nation too I find are easily satisfied as to ye affair of Guadaloupe, as well as other expeditions. Somebody has been to blame, I was executed and then acquitted, but Truth will appear in time and miscarriages prevented, for ye Nation does not seem to have either blood or treasure to be throwen away. Something considerable might have been done for ye service of England in America, but ye opportunity is irretrivable. I have not been wanting in my little station and might have been made more usefull. I am glad yr. Lordships. approv'd ye Act of Courts. I am sure 'tis a good one, for 'twas ye effect not only of my reflections but my experience. I sent yr. Lordships. home some Acts from St. Kits, one very good one for the recovery of ye Ministers' dues, a matter yt. has given me much trouble. I could never imagine why my Lord Bishop did not approve our genll. Act, which I acknowledge

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(and with pride) was wholly my own,—ye best of ye clergy have thank't me for it and ye rejecting of it has been a prejudice a very signal one to Religion, and must be accounted for at ye day of judgement. One objection yt. ye Act allowed noe appeal, with submission to ye Attorney Genll., seem'd to me a jeast, for is not a freehold of 130*l.* per a year worth 500*l.*? But I provided yt. even tho' there should be no appeal, ye Bishop should have an exact acct. of wt. had past. I send your Lordships some Acts from hence, one for Monks Hill and one for ye Chancery, which I hope will please yr. Lordships. because 'tis chiefly my own, that or some wt. like it is absolutely necessary. There is but one thing in it I suspect, which is concerning ye 2 seals, but I could think of noe expedient. I beg this parting favour of yr. Lordships. yt. if you should not wholly approve it, you wd. however not repeal it till I have ye honour of seeing yr. Lordships., wh. will be as soon after Xtmas as I can get a good passage from these Islands or Barbadoes. *Signed*, Chr. Codrington. *P.S.*—We have yet noe news of ye Fleet. I shall receive ye General as handsomly as I can. *Endorsed*, Recd. 9th, Read 21st Sept., 1704. *Holograph*. 2½ pp. [*C.O.* 152, 5. No. 75; and 153, 9. pp. 38–40.]

July 10. **447.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* Capt. Lloyd's report, etc. of May 13. [*C.O.* 195, 3. p. 336.]

July 10. **448.** Council of Trade and Plantations to the Queen. *Sum-*
Whitehall. *marize* Governor Dudley's recent reports of the present state of the Massachusetts Bay and New Hampshire. *Recommend* his application for 500 small arms, "which would be of great assistance to the friend Indians, who cannot purchase them, and encourage your Majesty's subjects to defend themselves. . . . He again complains of the Government of Rhode Island and Lord Cornbury of Connecticut. Whereupon we humbly observe that in July, 1694, the then Attorney and Solicitor-General did report in the like case that upon an extraordinary exigency happening through the default or neglect of a Proprietor, or of those appointed by him, or of their inability to protect or defend the Province under their Government and the inhabitants in time of war or universal danger, H.M. might constitute a Governor of such Province, as well for the civil as military part of Government, and for the protection thereof and of his subjects there; which upon the present occasion is humbly submitted to your Majesty's consideration." [*C.O.* 5, 911. pp. 358–364.]

July 11. **449.** W. Popple, jr., to Governor Dudley. *Acknowledges*
Whitehall. letter of April 20, which is being laid before H.M. You will have timely notice of directions given thereupon. *Encloses* letters for other Governors etc. [*C.O.* 5, 911. p. 365.]

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July 12.
St. Christo-
phers.

450. E. Penhallow and N. Higbee to the Queen. Petitioners, of your Majesty's Royal and late Reformed Independent Company in this Island, pray for arrears of pay *etc.* *Signed,* Nathaniell Higbee, Emanuell Penhallow. 1 p. [*C.O.* 239, 1. No. 6.]

July 12.
Boston.

451. Humble Address of the Council and Assembly of the Massachusetts Bay to the Queen. It is upwards of two years since the arrival of Governour Dudley, for whose appointment we formerly addressed your Majesty with the thanks of this Province ; And we have been made sensible of his careful management of your Majesty's Interests and the Government of your good subjects, particularly of his great application and the cost expended to have stedyed the Eastern Indians in their obedience to the Crown of England and your Majesty's sovereignty over them, whereof they have formerly made their repeated recognition, and more lately renewed the same in two attendancies upon H.E. ; yet through the influence of French Emissarys residing among them, they have for 12 months past broken out and continued in open rebellion, and with the assistance of French officers and souldiers have committed diverse outrages and barbarous murders upon many of your Majesties' good subjects. Which irruption has obliged the Governour to garrison all the frontiers of more than 200 miles extent, and to send forth greater and lesser partys into the Desert, in places almost inaccessible, if possible to find out those bloody Rebels in their obscure recesses, under covert of a vast hideous wilderness, (their manner of living being much like that of the wild beasts of the same) and to give check to their insolencies. And there are not less than 1900 effective men now in arms, under pay, upon our Eastern and Western Frontiers, besides the vessels and men necessarily employed for guarding of the sea coast against the infestings of the French from Canada, Port Royal and the West Indies, who endeavour to intercept our supplies and disturb our Fishery, so that we are at an exceeding great and almost insupportable charge, and see not the end thereof. We are ready to thinke it highly reasonable that the neighbouring Governments being secured thereby, should bear a just Quota of the said charge, which is humbly submitted to your Majesty's great wisdom to direct. We have therefore accounted it our duty by an express humbly to lay before your sacred Majesty the very distressing circumstances of your Majesty's good subjects, who have hitherto chearfully undergone the sore fatigue and charge of their defence and pursuits made after the enemy, and that in the greatest severitys of the winter, exposing themselves to the last sufferings, being sensible that the advances made by the Governour in the service have been absolutely necessary, and that his care had been to keep the expence as low as the emergencys would bear, and we doubt not of a good concurrence at all times of the Council and Assembly with the Governour, to advance both the men and money necessary to the utmost of their ability. We crave leave also humbly to express our just resentment and detestation of the piracys and robberies lately committed by Capt. Queleh and Company, and we hope

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the speedy justice that has been done upon those vile criminals will vindicate the Government from the imputation of giving any countenance to, or favouring of such wicked actions. There are several stores of war necessary for the safety of your Majesty's interests within this Province, that cannot be supplied here. And if your Majesty of your Royal Bounty shall be graciously pleased to order that they be supplied out of your Majesty's Stores, it will greatly encourage us in the service of your sacred Majesty, being always resolved to maintain the honour and dignity of your Majesty's Crown and Government over us, and by the favour of Almighty God to maintain our station in this Province *etc.* *Signed*, In the name and by order of the Council, Isa. Addington : In the name and by order of the Assembly, Jams. Converse, Speaker. 1 large p. [C.O. 5, 863. Nos. 105; and (duplicate) 105.i.]

July 12.
Boston.

452. Memorial accompanying above Address. It is humbly offered, as necessary for your Majesty's service within your Province of Massachusetts Bay and for Defence of the same, that the following supply be made of warlike provision : Two Frigatts for guarding the Coast : Cannon for the new fortifications on Castle Island : Powder, great and small shott : Fuzills or other good fire arms : small gunners stores. *Signed as preceding.* *Endorsed*, Reed. Read Jan. 25, 1703. 1 p. [C.O. 5, 863. Nos. 106; and (duplicate) 106.i.]

July 12.
Whitehall.

453. W. Popple, jr., to Henry St. Johns. The Council of Trade and Plantations desire you would order 2 horse grenadiers to go down to Deal with the money for the pay of H.M. soldiers in Newfoundland, for its better security. [C.O. 195, 3. p. 333.]

July 12.

454. Col. Whetham to the Council of Trade and Plantations. Col. John Johnson, made Deputy Governor of Nevis, July 1, 1703, requests that orders may be given for the payment of his allowance, and the Queen's Commission for that post. *Signed*, Tho. Whetham. *Endorsed*, Reed. Read July 13, 1704. 1 p. [C.O. 152, 5. No. 76; and 153, 8. p. 327.]

July 13.

455. Governor Dudley to the Council of Trade and Plantations. I lately humbly addressed your Lordships by way of Lisbon, April 20, having had no direct conveyance from hence since the *Centurion*, since which I have had no ill accident, notwithstanding the appearance of the Indians everywhere in small parties, except the loss of one family at Northampton, where the Indians again surprized them in the darke of the night. About six weeks since, by some letters from Canada to Port Royal which I intercepted, we had news of the march of 100 French and 200 Indians, from Quebeck to joyne the Eastern Indians to make in all 1,000, with direction to them to fall in to Pascataqua River to burn New Castle and the fort there, and draw off immediately, and to acquaint them that from Mount Reall at the same time the number of 500 should fall upon our upper townes on Connecticut River ;

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in prevention of which Col. Church with the forces I had Eastward at Penobscot, very luckily fell upon that small Settlement of about ten French families, where he took the present sent those Indians, and the Agent, one M. Gordeau, and 20 soldiers, the forerunners of the Quebeck party, and about 40 souls more, women and children, whom he sent with Gordeau prisoners hither with a considerable booty, which I gave to his men, which I hope hath diverted that expedition, and at the same time I sent 300 men more into the Province of Mayne, least the enemy should oppresse any weak part there, and to the westward upon Connecticut River I have 200 men from Hartford from Connecticut Colony, to whom that part is a frontier, and 200 of this Province who are now going 200 miles above Deerfield upon Connecticut River, to seek the rendezvous of the Mount Reall party, supposed to be upon that River, about 200 miles above any English Settlement, and these additions to the forces under Col. Church make up 1,900 men in pay with 20 sloops, put this Province to a very great charge at present, under Col. Church I have 600 men with the said 20 sloops and the *Gospir* friggot and the *Jersy* being here from New York to fitt, I obtained of my Lord Cornbury to let her keep company with the abovesaid forces into L'Accadia and all along the coast, on both sides the Bay of Fundee, who are now out, and have ranged all the coast from Kenebeck River as far as St. Johns, and taken considerable plunder and burnt all the Settlements where Casteen Le Flibu and other French Settlement have long been, and are at this time gone over to the Port Royal side, to see if it may be they may surprize the French supplies coming thither, where they are very poor, and to cut the banks of their corn land, and let in the sea upon their meadowes, which destroyes them for five yeares next coming, and if I had had the favour of a 4th rate ship, added this spring, as I humbly pray'd, I might, by the favour of God, have possessed Port Royall with no other losse or danger than rideing before the place, and preventing their supply from France, and the prisoners I have tell me they have some moneths been at allowance, the Inhabitants as well as the Garison; and in the like condition they are at Quebeck, as the letters we have taken of theirs informe us. To support this great charge the Assembly, who sate the whole moneth of June, have very frankly granted 23,000*l.*, and have given me no objection to the number of ye forces, nor improvement of them, but very readily and cheerfully submitted to the charge and thank'd me for the advance of the forces, which is now the fifth man in the Province, but I can obtaine nothing from Road Island, from Connecticut I have 260 men in the upper townes upon that River, which is truly their own frontier, but without any command they come and goe as they please, sometimes by orders from their own government, and sometimes without, and so it will be while those Charters remaine, no money will be raised, nor men under commands, while their neighbours are oppressed with hard marches and great taxes, if this inequality (my Lords) were at a great distance it might not easily be observed, but nothing parts us but a brooke, we are in equal danger and can call to each

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other, and a family of this Province pays a tax of 5*l.*, and his next neighbour of equal estate pays not one cross. I am in great want of powder and small armes. I have strictly taken ye powder duly in specie, and have abridged all unnecessary expence of powder, and the Lieutenant Governour and other Officers are very carefull; but the service and marching and removing will waste it away, and armes are every day lost and spoyled, which I cannot repaire here. If by any meanes this Province might be favoured with H.M. bounty in these articles, I would engage for the good husbandry and just expence of them. I have, as your Lordships have directed, sent exact plans of the severall fortifications in both H.M. Provinces, with the number of cannon mounted, and the wants we stand in, which I also humbly pray may be supplied according to H.M. gracious inclination in your Lordships' former letters. It hath been the usage of this Province once in a few yeares to conciliate and confirme their freindship with the Maquaws and Five Nations, and I have written to my Lord Cornbury to advise therein, and have accordingly provided for the charge of Commissioners and a present about 500*l.*, which is necessary to keep them steady, of which the French letters intercepted complaine, and hath moved me to this present errand and charge on their behalfe, and yet at last I doubt we shall loose them, if we have not ministers amongst them to defeat the French missionaryes, to whom they are infinitely bigotted. I am sensible the papers your Lordships gave me a list of as wanting were twice sealed up in my sight but both times lost, but the last letters wherein those papers should have been were sealed at Pascataqua, and by the carelessnesse of the Secretary left behind, and yet I cannot expect any exact service there from a Secretary whose salary is but 12*l.* per annum, and the perquisites scarce worth 5*l.* more, beyond which profit that office hath not amounted these 20 yeares. I am sensible I have troubled your Lordships too often with the account of the Assemblies' refusal of any establishment of a salary for the Governour, which they are obstinate in to the last degree, and so they are in their elections of the Councill, the best men in all parts are left out, and men of no principles in Government sent to the board, from whom I can expect nothing but contradictions and opposition. Those priviledges of election of Councillors are no manner of benefit to these Provinces, but are scandalously used to support parties against the Honour of the Crowne and Government, and are made opportunityes to affront every loyall and good man that loves the church of England and dependance upon H.M. Government, who to be sure shall never obtaine a vote though very superior to others for learning and estates.

Amongst others the last year I gave Commission to Capt. Plowman for a privateer gally, who was a man of undoubted probity and courage, and was very well equipt by Merchants of this place, and sailed from hence Aug. 1, 1703, but falling sick his company resolved to alter their course from the River of Canada, whither they were bound, and two daies after he was found dead in his cabbín, and then his Lieutenant and company

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sailed for the coast of Brasil, where they robbed nine Portugall vessells in a moneths time, took about 10,000*l.* of treasure, kill'd one Portugall Captain, and upon the coast in their returne tore and reforme'd their Journalls, but coming into harbour were soon suspected and committed to prison, and have since been found guilty. 20 of them, the greatest Rogues of them, early escaped; however I have, I hope, attended the Act of Parliament and H.M. Instructions, and have executed six of them, that is the captain and master, who were the ringleaders, the person that kept Plowman close and would suffer no man to speak with him, the man that shot the Portuguese Captain after he got on board his ship, and there are yet 14 condemned left in chains that are young and ignorant fellows, objects of H.M. mercy if she pleases, and I humbly pray your Lordships that it may be represented to H.M. for her royal pleasure and commands therein. The whole proceeding is inclosed, which I ordered to be printed, it being a very new thing, and seeming very harsh to hang people that bring in gold to these Provinces. I have used all possible means to surprize their treasure, and have got above halfe of it, the receipt of the gentlemen appoynted to receive and secure it is enclosed, and I humbly waite H.M. pleasure for the disposall thereof. There is a considerable charge in seizing of it in severall parts of the countrey at great distances, which I have allowed and ordered to be paid. If H.M. shall see meet to allow any part thereof for my care, or the service of Lieutenant Governor Povey, I shall thankfully accept it, especially since the Province will do so little for the support of the Government. I have also sent home Captain Laurence and [? Larimore, Ed.] and his Lieutenant, John Wells, who have made themselves accessories after the fact by hiding and carrying away of the said pirates, with the proper evidences against them, as I am commanded. If H.M. shall please to extend her royal grace to those that remain here in irons, their suffering will be long and hard, and the executions paste, I hope, will forever be a warning to such evill men here. I pray I may be pardoned for any mistake in the tryals, the proceedings here being wholly new, and that I may have H.M. direction for what remaines in this affair. I formerly acquainted your Lordships that the Representatives in their Assembly, the last year, sent home a private Address, without my knowledge or advice, which I humbly pray your Lordships will acquit me of, being referring to Pemaquid etc., and if it be a fault (that matter being commanded by H.M. to be solicited by the Governour) to give him the go by, I humbly pray they may be advised of it by your Lordships. In the last Assembly they have done better and prayed that a Committee might be allowed to attend me with an Adresse to H.M. which is enclosed in this packet and I humbly pray that it may be countenanced by your Lordships, and the prayers therein heard, what is represented of the pressure of the warr being altogether true [*see preceding*, July 12]. *Acknowledges* letters of Feb. 16, 1703. The Rhode Island packet is by my own messenger safely delivered, and I hope will be so far obeyed as to make the article of the Vice Admiralty more easy for the future,

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but that of the Militia and the just use of their forces and expectation of a Quota from them will by no means be had, untill they have farther commands from H.M., or a dissolution of their Charter, which truly stands in the way of all Religion and good Government. The grant of 500*l.* for the fort by the Assembly of New Hampshire was truly as much as could well be collected at one time under the present pressure of the war, but I have done my endeavour to double it, by causing every man in the Province, by 30 in a week, to worke at the Castle without pay, which amounts to twice as much more as the tax, and yet it will be too little for so important a worke for that Province. I am in great need of great guns (as the account and plannns shew) of powder and small armes, which I hoped to have received last yeare, and can very ill defend the Province for want of it. I thank your Lordships for the re-establishment of Col. Byfield in the Admiralty, he lately in his first court gave judgment against the *Charles* gally, out of which the privateers were taken, and his judgment seems agreeable to the Law; however the owners have appealed to the Court of Admiralty in Doctors Commons, as the Law allowes, where if the judgment be confirmed it will very much repute and steady the Government here. The allowance by law and usage here is to give the Justices 4*s.* per diem out of the fines during the Session lesse than what the Law of England allowes, and I shall take care they do not passe it in neither Province, and the remainder of the fines strictly comes into the Treasury. The Assemblies refusall to vote the standing assistance for New York, I took it the more greivously from them the last and this year, because it had been no more than a dutifull submission to H.M. commands, and would have cost them nothing, the trouble being so pressing upon us, and my Lord Cornbury in peace in his Government would have been much more ready to have moved to our assistance than to have expected anything from this Province, and if it might be thought meet that all the Provinces on the shoar of America should contribute towards the war, it would make it look like fellow subjects and concerned in the same interest and duty to support H.M. Crowne and dignity. I most humbly pray for the assistance of guardships for this great coast. I most humbly thank your Lordships' acceptance of my service so farr in raising men for the defence of the Province. I must do the Assembly here that justice to say that tho' they have not obeyed H.M. in providing for my support here, they have very frankly submitted to my apoyntment at all times for numbers of men and their support; and I am bold to say, one reason hath been that they are convinced of my sincere endeavours in their service and for their support, and that not one man nor penny hath been diverted from its just use and service designed, nor have I by any means taken for myselfe or the Lieutenant Governour one penny but what hath been known to them and seen in their accounts at all times for the payment and support of their owne men. Mr. Usher is in the Province of New Hampshire taking care of the fortifications of which I have given him the command, and Col. Romer is overseeing the work, although uneasy with a

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difficult and poor people. I hope Mr. Allen doth me the right in his letters to say that he hath asked nothing of me for letters or orders in his affaires that I have refused, he hath again begun his actions with severall, and I hope they shall come home in the order and method H.M. hath commanded, though many of the people do every day submit and take leases of him, as he acquaints me from time to time. I shall strictly obey your Lordships' direction, referring to privateers' commissions when I have the honour to receive them. I have published the repeal of the two Acts of the Assembly of New Hampshire for the confirmation of some grants and an act to prevent contention etc. and entered the repeal in the Assembly books, and the avoydance of them will, I think, much facilitate Mr. Allin's affair, they were both made before my arrivall here, and I have often observed the tendency of them since my coming. The last clause of your Lordships' letter of Feb. 16 refers to the settlement of a salary, that matter being never to be obtained of this Government during their present forme, I most humbly submit myself to H.M. care, and shall never neglect my duty in H.M. service, nor the just interest of this Province notwithstanding while I may approve myselfe to your Lordships, whose commands will be alwaies obeyed by me, while I am honoured with my present station. Mr. Phipps gives me notice your Lordships have considered the necessity of a Chancery Court to be established in this Province. I am humbly of opinion your Lordships would have that power lodged in the Governour for the time being, and a number of the Council, as Masters of Chancery, or Assistants to that Court, and it is most certain it would then be a just honour to H.M. and a great benefit to the Province. I have written to Mr. Phipps to attend your Lordships therein. These letters are sent expresse upon a sloop I have employed on the Province charge on purpose, and humbly pray your Lordships will let Capt. Cary the messenger be as soon as possible dispatched, having nothing else to doe, and that he may have protection for his Master and saylors on board, and that the two prisoners and the evidences may be disposed of as H.M. pleaseth, that he may return. Captain Lawrance and Lieutenant Wells, the accessories whom I am commanded to send home, have these two last years done good service, the first year Lawrance took 5 French prizes, since commanded a Company of voluntiers to Jamaica, and Wells his Lieutenant, and did good service there and returned, but fell unluckily there into this folly. I pray that if it may consist with H.M. honour he may obtain his pardon. *Signed, J. Dudley. Endorsed, Recd. Dec. 23, Read Jan. 31, 1704 (5). 8½ pp. [C.O. 5, 863. No. 107; and 5, 911. pp. 415-433.]*

July 13.
Southwark.

456. Mr. Cox to [*W. Popples*]. Encloses following on behalf of his brother, Samuel Cox, "wh. I hope will prevail with their Lordships to readmit him into the Council of Barbados. *Signed, Charles Cox. Endorsed, Recd. July 28, Read Aug. 24, 1704. ¾ p. Enclosed,*

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456. i. Council of Barbados to Charles Cox. Certificate as to the innocence of Samuel Cox. *Signed*, John Farmer, Geo. Lillington, Wm. Sharpe, Tob. Frere, Michael Terrill, David Ramsay, Benj. Cryer, Thomas Merrwick, Robt. Johnstoun. *Addressed*. 1 p. [C.O. 28. 7. Nos. 38, 38.i.]

July 13. **457.** Council of Trade and Plantations to the Queen. There being transmitted to us amongst many other Acts from the Bermuda Islands an *Act for raising a publick Revenue for the support of the Government*, and a dispute having arisen whether the said Act was perpetual, some of the Assembly affirming that there was a Clause of Limitation in the original Act for determining the same in two years, but no such clause appearing to us, we did thereupon consult Sir Thomas Trevor, then Attorney General, who reported "that the continuation of the said Act is not limited to any certain time, but that it is a perpetual Law." And that we might have a further information in this matter, we did write to Col. Bennet requiring him to send us a copy of the said Act as it stands upon the Records, as likewise of that which was called by those Assembly Men the original Act, both of them under the seal of the Island, together with authentick copys of the Journals of the Assembly, wherein that Act was past. In answer whereunto Col. Bennet has acquainted us, that upon his enquiring for that which was called the original Act, it could not be found, nor any Journals or Minutes of the Assembly, relating thereunto, but has sent us a copy of the said Act, under the publick seale, as it stands upon Record, attested by Charles Minors, Clerk of the Council and Secretary of those Islands, wherein there is no limitation of time for the continuance of the said Act, so it appears to us according to the opinion of the said Attorney General to be a perpetual Law, which being for raising a Revenue for the support of your Majesties Government, we humbly offer that your Majesty be pleased to give your royal assent to the said Act, and that a letter be writ to your Majesties Governour and Council to cause that the same be put in execution, and that they do not pass any temporary law in derogation of the said Act. [C.O. 38, 6. pp. 36-38.]

July 13.
Whitehall.

458. Council of Trade and Plantations to the Queen. Commissions having been granted by his late Majesty to all the Governours in America for the tryal of pirates, in pursuance of the Act of 1700, *for the more effectual suppression of piracy*, and Governor Sir B. Granville having transmitted to us the Report of the Attorney and Sollicitor Generall of that Island containing their reasons why upon the demise of his late Majesty no proceedings can now be had upon the Commission to the Lord Gray, late Governor of Barbados, we have thereupon consulted your Majesty's Attorney General, who is of opinion that it is necessary that a new Commission be issued out in your Majesty's name pursuant to the said Act, whereupon we humbly offer that such Commission be renewed for all the Governments, amongst which we have comprehended the Bahama Islands as formerly, to take effect

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when those Islands shall be resettled and brought under a regular Government, they remaining uninhabited since their being destroyed by the French and Spaniards, and in order thereunto we humbly lay before your Majesty the names of Commissioners to be inserted in each respective Commission, which we are humbly of opinion may be prepared by your Majesties' Attorney and Solicitor General, and dispatched to the Plantations by the first opportunity. *Annexed,*

458. i. Names of Commissioners for trial of Pirates in the Plantations. [*C.O.* 324, 8. pp. 481-505.]

July 14. **459.** W. Popple to W. Lowndes. The Council of Trade and
Whitehall. Plantations have sent to Jamaica the observations of my Lord Treasurer upon the Revenue Act, to the end that provision may be made for those particulars in a subsequent Act. They desire to know if he has any objection why the said Act may not be laid before H.M. for her Royal confirmation. [*C.O.* 138, 11. p. 294.]

July 14. **460.** Council of Trade and Plantations to Governor Sir W.
Whitehall. Mathew. Give instructions as directed by Order of Council on case of Peter van Belle [*see July 6*]. [*C.O.* 153, 8. pp. 328, 329.]

July 15. **461.** W. Popple, jr., to Mr. Borret. The Council of Trade
Whitehall. and Plantations send you the following letter to Mr. Attorney or Mr. Solicitor General for either of their opinions upon two Acts past at Nevis in February, which you are desired to procure as soon as may be. They also desire you to solicit Mr. Attorney General for his opinion upon the Virginian bills in his hands, it being absolutely necessary for H.M. service that they be dispatched before the sailing of the convoy, which will now very shortly be ready, and will be the last opportunity of sending thither this year. [*C.O.* 153, 8. p. 330.]

July 15. **462.** W. Popple, jr., to Mr. Attorney or Mr. Solicitor General.
Whitehall. *Encloses*, for opinion in point of law, the two Acts of Nevis, *for establishing of Courts and settling due methods for the administration of justice*; and *for the better Government of negroes and other slaves*. [*C.O.* 153, 8. p. 331.]

July 15. **463.** Council of Trade and Plantations to Governor Nicholson.
Whitehall. It is H.M. pleasure that you give us a particular account of the pitch and tar made in Virginia, and offer what you think necessary to be done for the promoting and encouraging the production of that commodity in Virginia, and that in the meantime you do all that lies in your power for the encouragement of merchants who may send such naval stores to England. [*C.O.* 5, 1360. p. 491.]

July 17. **464.** Mr. Partridge to the Council of Trade and Plantations. Tar, pitch and rosin will not be made a trade from the Plantations as tobacco and sugar is, for they may be had nearer home and much cheaper than from the Plantations. But it would be the

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interest of England to have all supplies from the Plantations although paying $\frac{1}{4}$ th more. If H.M. had her Naval Stores thence it would be such an employ for the people there that they would be able to make good payment for the goods they have from hence *etc.* *Proposes* to furnish tar at 37s. 6d. per 30 gall., pitch at 17s. per hundred and rosin at 18s. per hundred, with an allowance of 3l. per tun and duty taken off, *etc.* Those masts the French bring from New England are got in H.M. Government at St. George's River, but little from Pemiquid. The French have no masts in all their Government ; there is no pines or very few grows E. or N. of St. George's River, which is but 12 leagues E. of Pemiquid, and if H.M. would cause a Fort to be erected at Pemiquid, and send 200 soldiers for 3 years and then lett them settle, we should soon beat the French out there and H.M. right defended, which would in a few years be a bigger trade than Boston, the bigger the Trade the more advantage to England. *Signed*, Wm. Partridge. *Endorsed*, Recd. Read July 18, 1704. 3½ pp. [C.O. 5, 863. No. 108 ; and 5, 911. pp. 366-372.]

- July 17. **465.** Additional Instructions to Governor Lord Cornbury. Given at our Castle at Windsor, July 17, 1704. Whereas by the third Article of our Instructions to you, according to several Laws relating to Trade and Navigation, you are required to take care and give in charge that no goods or commodities whatsoever be imported into or exported out of our Province of New Jersey, under your Government, in any ships or vessels but in such whereof the Master and three fourths of the mariners at least are English ; and whereas by a clause in an Act past the last session of Parliament, intituled, *An Act for raising recruits for the Land-forces and Marines, and for dispensing with part of the Act for the encouragement and increase of Shipping and Navigation during the present war ;* (copy whereof you shall herewith receive) it is enacted, that during the present war, and no longer, the number and proportion of mariners to sail in such ships or vessels, which by laws now in force are limited to the Master and three fourths of the mariners to be English, shall be enlarged to the Master and one moiety of the mariners at least to be English ; it is our will and pleasure that you take care and give in charge to the proper officers, that the said Act be observed in our said Province of New Jersey under your Government, during this present war accordingly. *Annexed.*

465. i. Copy of Clause of above Act. [C.O. 324, 8. pp. 477-481 ; and 5, 994.A. pp. 164-168.]

- July 17. **466.** Similar Instructions to Governor Sir B. Granville. [C.O. 29, 8. pp. 439-444.]

- July 17. **467.** Similar Instructions to Lt.-Governor Bennett. [C.O. 38, 6. pp. 16-20.]

- July 17. **468.** Similar Instructions to Governor Seymour. [C.O. 5, 726. pp. 284-286.]

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 July 17. **469.** Similar Instructions to the several Proprietors of H.M. Colonies in America. [*C.O.* 5, 1291. *pp.* 42, 43.]
- July 17. **470.** Similar Instructions to Governor Nicholson. [*C.O.* 5, 1360. *pp.* 487-490.]
- July 17. **471.** Similar Instructions to Lord Cornbury, Governor of New York. [*C.O.* 5, 1120. *pp.* 107-110.]
- July 17. **472.** Similar Instructions to Governor Dudley. [*C.O.* 5, 911. *pp.* 354-358.]
- July 17. **473.** Similar Instructions to Governor Sir W. Mathew. [*C.O.* 153, 8. *pp.* 322-326.]
- July 17. **474.** Similar Instructions to Governor Handasyd. [*C.O.* 138, 11. *pp.* 289-292.]
- July 18. **475.** Council of Trade and Plantations to the Queen.
 Whitehall. Recommend for H.M. approbation several Acts of Bermuda 1690-1694. [*Cf.* Dec. 6, 1703.] Recommend for Repeal (1) An Act *for preventing differences about dry goods imported*, whereby it is enacted that the oath of the Importer of such goods being brought from some of your Majesty's Plantations in America shall be sufficient for clearing of such goods and the vessel importing the same, which we judge an insufficient provision against illegal imprisonments. (2) An Act *for the liberty of the subject*. [*See* Dec. 6, 1703.] (3) An Act *for liberty of the subject from illegal imprisonment*. No Act of that nature [*see* Dec. 6.] having been allowed by your Majesty's royal predecessors in the Plantations, we are of opinion this Act be repealed, and that for the satisfaction and ease of the inhabitants such Instructions be given under your Majesty's signet and sign manual to the Lieutenant-Governor as may in the best manner secure the liberty and property of your Majesty's subjects, and prevent any hardships by long and unreasonable imprisonment in the said Island, in the like manner as your Majesty has been pleased to order upon an Act of the same nature in Barbados. (4) An Act *about shipping*, enacting that ships may load and unload in any Port or harbour, which is contrary to the Instructions constantly given to the Governors etc. [*C.O.* 38, 6. *pp.* 39-45.]
- July 19. **476.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Hedges. *Enclose* extract of Governor Handasyd's letter of May 4th relating to some French prisoners sent home. [*C.O.* 138, 11. *pp.* 299, 300.]
- July 19. **477.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Hedges. *Recommend* Mr. Partridge's proposals (*July* 17). We are of opinion that an encouragement given to him may be a proper means to give a beginning to this trade. [*C.O.* 5, 911. *p.* 373.]

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[July 19.] **478.** Wm. Partridge to the Council of Trade and Plantations. I am ready to give security for my performing my proposals for importing tar, etc. (10,000 *barrels for 7 years as July 17*). *Signed*, Wm. Partridge. *Endorsed*, Reed. Read July 19, 1704. $\frac{3}{4}$ p. [C.O. 5, 863. No. 109; and 5, 911. pp. 374, 375.]
- July 20. **479.** Certificate by Col. Whetham that Governor Codrington appointed Col. Johnson [see July 12] his Deputy Governor etc. *Signed*, Tho. Whetham. *Endorsed*, Reed. Read July 21, 1704. 1 p. [C.O. 152, 5. No. 77; and 153, 8. p. 332.]
- [July 21.] **480.** W. Wharton, Agent for Lt.-Gov. Usher, to the Council of Trade and Plantations. No allowance has been made by the Crown or Province to the Lt.-Gov., some of the leading men in New Hampshire, being his inveterate enemies, purely on account of his loyalty to the Crown and the check he gives to their irregularities, hindering the Province from settling any salary upon him. *Prays* that an effectual Order may pass for the settlement of a salary, etc. *Endorsed*, Reed. Read July 21, 1704. 1 p. [C.O. 5, 863. No. 110; and 5, 911. pp. 375-377.]
- July 22.
Philadelphia. **481.** Lt.-Governor Bennett to the Queen. Capt. Lancelott Sandys being dead, petitioner prays, in consideration of the smallness of his salary and his care in putting the country into a defensible condition, that H. M. will grant him a Commission for the company of soldiers in Bermuda now vacant. *Signed*, Ben. Bennett. 1 p. [C.O. 37, 26. No. 4.]
- July 24.
Philadelphia. **482.** J. Moore to the Bishop of London. *Announces* death of Collector for this Port. Col. Quarry has put me into that office till the Commissioners shall otherwise dispose of it etc. Mr. Penn and his creatures I expect will appear strenuously my opponents, but I trust in your Lordship's favour to surmount them all. *Signed*, J. Moore. *Endorsed*, Reed. Read Nov. 14, 1704. 1 p. [C.O. 5, 1262. No. 87.]
- July 25.
Whitehall. **483.** Council of Trade and Plantations to Governor Dudley. *Enclose* Commission etc. for enquiring into ease of the Mohegan Indians. [C.O. 5, 911. pp. 377-379.]
- July 28.
Jamaica. **484.** Governor Handasyd to the Council of Trade and Plantations. *Acknowledges letter of May 24*. As to the accounts of the Revenue which you are pleased to mention, I have sent to the Deputy Receiver, Mr. Chaplain, whose answer I hourly expect. The answers he formerly gave me were that he had constantly sent the accounts from time to time, and could not have them writ over again here without a great deal of charge, it being a much greater fatigue here than in a cooler country. As to what your Lordships mention about the Spanish letters, I must own that I did believe it a thing of no ill consequence, but rather an advantage, since it was to have been made publick to all Spaniards, which I gave no body an account of but my

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Lord Nottingham, your Lordships and one gentleman in London, who is Agent to my Regiment, but for the future I shal take care that no body shal have notice but those that ought to have. *Encloses* Acts and Minutes of Council, and a list of the fleet, that sailed from Port Royal July 11 under the convoy of three of H.M. men-of-war, with the number of men, gunns, tunns, French prisoners etc. H.M.S. *Nonesuch* has a great mortality on board her, having lost 70 odd men, besides 100 sick ashore. I am using all the endeavours I can to put what soldiers can be spared aboard her to get her out a cruize to sea, in hopes by that means to recover the men's healths. I have written to H.R.H. Secretary, acquainting him of this necessity we lye under for want of sailors and a supply of Naval Stores, which we cannot be furnished with here. H.M.S. *Guernsey*, with the ships under her convoy, is not yet arrived, but we dayly expect them. The island is at present healthy, we are very quiet, not having lately any disturbances from our neighbourhood. The Assembly is to meet Sept. 21, at which time (after having cooled themselves in the country) I hope they will be in a better humour to take care of the Officers and soldiers of the two Regiments, conformable to H.M. and your Lordships' letters, but altho' one of the worst of them, Mr. Tottersdall, is expelled the House, yet I am afraid there are several more, who endeavour to oppose publick authority, but I hope they will be catcht in the same snare that malicious man was. I have acquainted the Storekeeper and Agent-Victualler of H.R.H. pleasure, that they should immediately return to England. We have had a small insurrection of negroes, about 8 days ago, but having timely notice prevented any great mischief by sending both horse and foot after them. They attacked two or three places, burnt only one house and wounded one man; there were more than 30 negroes, several of which had got firearms plunder'd and took out of houses. We have taken and destroyed 12 of them, and are still in pursuit of the rest: I must own that I am more apprehensive of some bloody design from them, than any other enemy, but all imaginable care shall be taken to prevent it. Their numbers being so very great and the whites so few, makes me wonder that they have not before this destroyed us all, there being in some Plantations 200 or 300 negroes to one or two white men. I can't yet learn whither it was a general design among them, altho' I make all the enquiry into it I can.

P.S.—Just now arrived H.M.S. *Guernsey* with the *Roundhust* gally, *Ann* and *Susanna* and *Richard* and *Sarah*, by which I have received H.M. Commission for Governor in Chief, which next to H.M. I owe to your Lordship's favours, and will faithfully endeavour to deserve them. I have likewise received my Lord Nottingham's letter in relation to trade, and the Gazette of Aug. 10 with H.M. Instructions therein mentioned, shall be punctually observed. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 9th. Read Sept. 21st, 1704. 3 pp. *Enclosed*,

484. i. List of Fleet bound for England, referred to above. 1 p.
[C.O. 137, 6. Nos. 60, 60.i.; and (without enclosures),
138, 11. pp. 328–333.]

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July 28.
London.

485. Jeronimy Clifford to the Council of Trade and Plantations. If they had been designed to make dispatch, the merchants considering my accounts could have ascertained the sum due to me in 14 days. *Prays for relief etc. Signed, Jer. Clifford. 1 p. Endorsed, July 28, Read Sept. 12, 1704. 1 p. [C.O. 388, 75. No. 97; and 389, 36. pp. 201, 202.]*

July 30.

Aug. 10.

486. Commandant S. Beeckman to [? the Directors of the Dutch West India Company]. See Venezuelan Boundary Commission, Appendix to Report. *Dutch. 18 pp.*

486. i-ix. Muster-rolls, Bills of Lading, Inventories of Stores, and List of medicines needed etc. 26 pp. [C.O. 116, 19. Nos. 21, 21.i-ix.]

Aug. 3.
St. James's.

487. Order of Queen in Council. Upon Representation of July 18, ordered that the Council of Trade and Plantations prepare a draught of an Instruction to the Lieut.-Governor of the Bermuda Islands for the securing the liberty of the subject from illegal imprisonment *as proposed. Signed, Edward Southwell. Endorsed, Recd. Read Aug. 17, 1704. 1 p. [C.O. 37, 6. No. 19; and 38, 6. pp. 54, 55.]*

Aug. 3.
St. James's.

488. Order of Queen in Council. Confirming Laws of Bermuda, as recommended in Representation of July 18. *Signed and endorsed as preceding. 4 pp. [C.O. 37, 6. No. 20; and 38, 6. pp. 64-68.]*

Aug. 3.
St. James's.

489. Order of Queen in Council. Repealing 4 Acts of Bermuda as recommended in Representation of July 18. *Signed and endorsed as preceding. 1½ pp. [C.O. 37, 6. No. 21; and 38, 6. pp. 69-71.]*

Aug. 3.
St. James's.

490. Order of Queen in Council. Approving Representation of July 13, and ordering the Council of Trade and Plantations to write to the Governor and Council of Bermuda to cause the Act for raising a Public Revenue to be put in execution, and to take care not to pass any temporary Law in derogation of the said Act. *Signed, Edward Southwell. Endorsed, Recd. Read Aug. 23, 1704. ¾ p. [C.O. 37, 6. No. 22; and 38, 6. pp. 71, 72.]*

Aug. 3.
St. James's.

491. Order of Queen in Council. Upon reading Representation of July 10, ordered that the directions given by H.M. letters to Col. Dudley relating to the building of Pemaquid Fort, and settling a salary upon the Governor and Lt. Governor be renewed. The Lords Commissioners of Trade to prepare draughts of letters accordingly. *Signed, Edward Southwell. Endorsed, Recd. 14th, Read Aug. 16th, 1704. 1 p. [C.O. 5, 863. No. 113; and 5, 911. p. 382.]*

Aug. 3.
St. James's.

492. Order of Queen in Council. Extract of Representation of July 10, relating to ships of war to guard the coasts of the Massachusetts Bay and New Hampshire, to be sent to H.R.H.

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the Lord High Admiral, to give such orders therein as he shall see most fitting. *Signed*, Edward Southwell. *Endorsed*, Reed. 14th, Read Aug. 16th, 1704. $\frac{3}{4}$ p. [C.O. 5, 863. No. 112; and 5, 911. p. 381.]

Aug. 3. **493.** Order of Queen in Council. An extract of the
St. James's. Representation of July 10, relating to the Charter Governments of Rhode Island and Conneticut, to be sent to Mr. Attorney and Mr. Solicitor General, who are to consider the same, together with the opinion of the Attorney and Solicitor General in 1694, therein mentioned, and to report their opinion to H.M. at this Board what they conceive H.M. may legally do upon these and the like complaints against them. *Signed*, Edward Southwell. *Endorsed*, Reed. 14th, Read Aug. 16th, 1704. 1 p. [C.O. 5, 863. No. 111; and 5, 911. pp. 379, 380.]

Aug. 3. **494.** Order of Queen in Council. Approving Representation
St. James's. of July 13, and directing the Attorney and Solicitor General to cause Commissions to be prepared accordingly. *Signed*, Edward Southwell. *Endorsed*, Reed. 14th, Read Aug. 16th. [C.O. 323, 5. No. 61; and 324, 9. pp. 30, 31.]

Aug. 4. **495.** Mr. Sansom to W. Popple, jr. *In reply to letter of*
Custom-house, Aug. 1. The Commissioners of Customs have dispatched their
London. report upon the two Bills of Virginia. [See Aug. 10.] They have nothing to object, etc. *Signed*, Jno. Sansom. 1 p. [C.O. 5, 1314. No. 28.]

[Aug. 4.] **496.** Attorney General to the Council of Trade and Plantations. Report upon 4 Bills of Virginia. (1) The Act for the better securing the liberty of the subject is the same with the Habeas Corpus Act in England, wch. hath been before attempted to be pass't in the Plantations, but it hath been thought that H.M. Instructions to ye Governour is all that is reasonable to be done there, and that the passing this Act there will be prejudicial to H.M. and the Realm of England on which the Plantations depend, and will tend to make them independant. Therefore I am of opinion no countenance ought to be given to a Bill of this nature there. (2) As to the Act for limitation of actions and avoiding of suits, I have no objection against it, but think it may be a beneficial law for quieting ye country, and is the same Law that has been pass'd in this Kingdom. (3) As to the Act for establishing County Courts etc., I cannot approve of erecting Courts in ye Plantations by the Acts of ye Assembly, that authority being lodg'd in ye Governour by virtue of ye Queer's Commission. This Act directs monthly Courts to be kept in each County, to consist of 8 Justices of ye Peace to be commissioned by ye Governour by and with the consent of the Council or five of them at least, wch. alters ye authority of the Governour given by H.M. By this Law the Justices are required to sign the Association, wch. is now abrogated. The said Courts to be erected will hereby have power to hear and determine all

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causes wt. soever within their respective countys, except criminal causes *etc.* Appeals are hereby allowed from these Courts to ye General Courts, but no Appeal to H.M. in Council, wch. ought to be reserved, if a Law of this nature pass, the County Courts determining causes of all values, and in reserving such appeal, it will be fit to allow such appeals in all causes exceeding such value or of such nature to be mentioned, and in all other causes if H.M. in Council shall direct such appeal to be allowed. By this Law the Justices are to proceed to doe justice according to the Laws of England and Virginia, by wch. all ye Laws of England may be construed to be enacted there, and I am apt to think it is intended, and therefore I am of opinion this is not fit to be in the Act. This Act contains matters of different natures, wch. is not proper to be allowed in ye same Act *and other objections.* (4) As to the Act concerning the distribution of intestates' estates *etc.* I am of opinion it varying in several particulars from ye Laws now in force in England touching the distribution of intestates' estates, it is not fitt to pass. *Details given.* If in lieu of this Law an Act were prepared to make the estates of persons dying intestate distributable in such manner as they are by the law of England, I am of opinion it will be reasonable, and yt. to doe more will be inconvenient and not practicable, in regard part of ye personal estate, wch. may be in England, will not be bound by this Law. *Signed, Edw. Northey. Endorsed, Reed. 4th, Read Aug. 15th, 1704. 3½ pp. [C.O. 5, 1314. No. 29.]*

[Aug. 4.] **497.** Attorney General to the Council of Trade and Plantations. I have considered the Act of Antegoa for establishing Courts, which being exactly the same with that of Nevis, I refer to my report on that, with this addition, that it is taken notice of in this Law that there was a former Law made in this Island for establishing Courts, which I have not seen. *Signed, Edw. Northey. Endorsed, Reed. Aug. 4, Read Dec. 14, 1704. 1 p. [C.O. 152, 5. No. 78; and 153, 9. pp. 63, 64.]*

Aug. 4. **498.** Sir Edw. Northey to the Council of Trade and Plantations. *Returns Laws.* Your Lordships having now under consideration ye bodyes of ye Laws of ye Plantations, I desire to propose one matter wch. I do not find sufficiently provided for in any of the Plantations, the barring of estates tails and remainders depending on ym., the want of wch. will occasion many suites. There are yt. doubt whether the statute of entailles in England take place in ye Plantations though the settlements are made there as if it were taken to be a law there; if it be not binding there, all such settlements will be of no use *etc.* *Proposes* that it be declared by Acts to be passed in the Plantations, yt. the Statute *De donis conditionalibus* (of entailles) be in force there, and that in the Courts of Pleas there fines and recoveries may be levied and suffered to be of the same force as of lands in England, and also that fines and recoverys levied and suffered in the Common Pleas at Westminster and transmitted to and registred in the Plantations shall be of the same avail as if served

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and suffered of lands in England, these are wanted and will be of great benefit to the quiet of the Plantations, if passed, *etc.* *Signed*, Edw. Northey. *Endorsed*, Recd. Read Aug. 15, 1704. *Holograph*. 1½ pp. [C.O. 323, 5. No. 60; and 324, 8. pp. 506-508.]

Aug. 8.
Office of
Ordinance.

499. Board of Ordnance to the Council of Trade and Plantations. We have appointed Capt. John Rednap Engineer for H.M. service in New England, New York and the neighbouring Continent of America, in the room of Col. Romer. *Signed*, Wm. Bridges, Ja. Lowther, Ja. Craggs. *Autographs*. ¾ p. *Endorsed*, Recd. 12th, Read Aug. 17th, 1704. [C.O. 5, 863. No. 114; and 5, 911. p. 383.]

Aug. 10.
Treasury
Chambers.

500. Wm. Lowndes to Mr. Popple. My Lord Treasurer remits the report of H.M. Commissioners of Customs upon the two Bills of Virginia transmitted to him April 25. He hath no objection to the Lords Commissioners of Trade laying before H.M. the Revenue Act for Jamaica for H.M. approbation. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 12th, Read 15th, 1704. 1 p. *Enclosed*,

500. i. Report of Commissioners of Customs *referred to in preceding*. Customhouse, London. Aug. 4, 1704. We are humbly of opinion that what is conteyned in the said Acts of Virginia [see Aug. 4] may be of advantage to trade and to the Customs and other duties in Virginia, and likewise to the Revenue arising by tobacco here in general, and therefore have nothing to object to their passing. *Signed*, A. Maynwaring, Sam. Clarke, T. Newport, Rich. Breton. 1 p.

500. ii. Copy of an Act of Virginia for preventing frauds in the Customs *etc.* 9 pp.

500. iii. Copy of an Act of Virginia for improving the staple of Tobacco and regulating the size and tare of hhd's. 7½ pp. [C.O. 5, 1314. Nos. 27, 27.i-iii.]

Aug. 12.
Bermuda.

501. Lt. Governor Bennett to the Council of Trade and Plantations. I defer'd my answer to yours of Nov. 25, receiving it just at the time I was making up my pacqt. In that letter your Lordships observed that in the copy of a Comission I had transmitted, there were blanks left for the month and day of the date, and yet the year 1701 was expressed, which proved to be delivered out in time [of] peace, *etc.* To which I answer that pursuant to your Lordships' commands I ordered the Secretary to write a copy of one of the Commissions I had granted and told him it was only to satisfy your Lordships of their forme, which he tells me was the occasion of those blanks, and I hope your Lordships does not imagine I had any cunning or design in it. As for granting Commissions in time of peace I att first refused it, till presidents were shewn me, and it was affirm'd the like had been in Sir Robert Robinson's time, and with submission my Instructions does not mention anything relating thereunto

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save only forbidding me to grant Comissions of War against any Prince or State or their subjects in amity with H.M. But my Patent from his then Majesty says "And forasmuch as divers mutinies and disorders doe happen by persons shipt and employed at sea, and to the end that such as shall be shipt and employed at sea shall be the better governed and ordered, we do hereby give and grant unto you full power and authority to constitute and appoint Captains, Lieutenants, Masters of ships and other Commanders and Officers, and to grant unto such Captains, Lieutenants, Masters of ships and other Commanders and Officers Commissions to execute the Laws Martial during the time of warr." By which clause, together with the presidents as before, I presumed I might lawfully appoint Capts. in time of peace under this restriction, as not to impower them to execute the Laws Martial but in time of war. And to prevent such constructions for the future (as I couceive it was) in my now Patent from H.M. that clause begins thus. "And for as much as divers mutinies and disorders may happen by persons shiped and employed and [? at] sea durement the time of war, and to the end that such as shall be shipped and employed att sea durement the time of war, may be the better governed and ordered, Wee doe therefore give and grant unto you full power and authority to constitute and appoint Capts., Lts., Masters of ships and other Commanders and Officers, and to grant unto such Commissions to execute the Law Martiall etc." By which (I think) it expressly limits comissionating any but in time of war. I am very much concerned at what mistakes I have made, and hope your Lordships will not impute it to any ill intent, but to the contrary, as may be judged by my answer to your Lordships' next remark (vizt.) that the Comission I granted ought not to have been given in an undetermined sence, against pirates, and the Queen's enemys att large, but upon information of some especial occasion that required them. For answer, I had an especial occasion, for complaint was made to me that att Turks Islands pirates frequently came and took vessells that were rakeing salt there (on which is our chiefest dependance) and if I would encourage persons by giving them Comissions, they would goe fitted and man'd accordingly, which was the only reason I did comply; and att that time of peace I knew not how well to word those Comissions otherwise than exprest in your Lordships' remarks, and I took care to make them enter into security according to the enclosed bond. As for the number of Comissions given out, I enclose a list, and also a forme of a Letter of Marque, of which I desire your Lordships' opinion, for there is not one vessell as privateer now out from this place. By my brother I understand your Lordships resents my enclosing any letters in your Lordships' pacqts. other than what related to your Board. The reason I presum'd it was I thought postage to all offices imediate relating to the Crown cost nothing. I ask your Lordps.' pardon for what's past, and shall readily make satisfaction, and take care not to intrude any more. I have by this conveyance sent to my brother all the proceedings relating to Capt. Jones, and

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affidavits to prove the Assembly's Articles against him. By his letters to his friends here, he says they may expect him in a very little time reinstated, which has so much revived his party (the male-contents) that they publickly discourse my continuance will not be long amongst them, and add that altho' Mr. Larkin is said to be dead, yet by their interest they have almost weather'd me. The people in general are under a great dissatisfaction, and conclude that if Capt. Jones comes again they must expect nothing but malice, revenge and cruelty in the execution of his office, and with threatning expressions say they had as good dye of a fever as an ague. So under those circumstances I expect nothing but disturbances and complaints. As for me if it be H.M. pleasure to restore him I must submit, but he deserves usage sutable to my injurys which are very grievous, for besides those sordid contrivances to hurt my reputation whilst he was here, and those barbarous reproaches att Jamaica (as appears by Mr. Greatbatches his affidavit formerly transmitted) he has often repeated all att Carolina, with other inventions to scandalize me. My Lords, it's impossible for me to express his affronts, and if he does return (and I consequently restrain'd from a due resentment) I hope your Lordships will not blame me if I take my remedy att law, for should I doe nothing to justify myself, I shall be reproached in all the English Plantations in the West Indies, wherein it's very well known how I have been abused by Mr. Larkin and him. Pursuant to the Assembly's Address to me I have now transmitted under the publick seal several articles and affidavits against Capt. Nelson, and also have now sent the copy of a quietus to one whom I had give[n] a Comission of the Peace, being the only Officer I have displaced since my first regulateing the Government. *Signed*, Ben. Bennett. *Endorsed*, Recd. Feb. 12, Read March 6, 170³₅. *Holograph*. 4 pp. *Enclosed*,

501. i. Form of Letter of Marque, with Instructions and Bond relating thereto, granted Lt. Governor Bennett. *Endorsed*, Recd. Feb. 12, 170³₅. 3 pp.

501. ii. Copy of the Quietus of Capt. Samuel Stone, J.P., of St. George's Town, for taking exorbitant fees *etc. etc.* *Signed*, B. Bennett. April 26, 1704. *Endorsed as preceding*. 1¹/₂ pp.

501. iii. Address of the Assembly of Bermuda to Lt. Governor Bennett, July 18, 1704. Whereas your Excellency was pleased to lay before us H.M. Order upon Edward Jones' petition *etc.*, this House humbly requested your Excellencie's favor in transmitting home our sentiments and necessary records pursuant to that matter, and we have some reason to believe that Gilbert Nelson, late Chief Justice (being legally convicted of sordid bribery and other high crimes and misdemeanours and by lawful judgment of the Court fined for the same), either already hath or doth intend to give your Excellency and Government the same trouble and in the same manner as Jones *etc.*, for prevention thereof,

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- we pray that the Articles and copies of records of Court at Nelson's trial may be transmitted home *etc.* $\frac{1}{2}$ p.
501. iv. Articles exhibited against Gilbert Nelson by the General Assembly of Bermuda, 11 charges of abuse of power, illegal arrests and receiving bribes *etc.* (*Cf.* C.S.P., 1702. No. 1042.x.) *Copy.* 1 p.
501. v. Copies of Depositions supporting above charges, 1698-1701, by Samuel Trott, Charles Walker, Robert White, Henry Tucker, Lewis Johnston, Richard Peniston, John Dickenson, Samuel Spofferth. 10 pp.
501. vi. Copy of Proceedings at the trial and condemnation of Gilbert Nelson, Dec. 3, 1701-Feb. 25, 1702, for receiving a bribe as Judge in the case of George Tucker *v.* Joseph Hovell, *and as* C.S.P., 1702, No. 1042.x., *and* for maliciously imprisoning without examination Charles Walker, Anthony White, Samuel Spofferth and Capt. Thomas Harford, their complaining to the then Governor and charging him with bribery; for extorting money from John Dickenson, by colour of the office of Chief Justice and imposing unreasonable security; for granting a special Court contrary to the Act of Assembly; for maliciously false and scandalous words against Anthony White; and for illegally imprisoning Thomas Smith, *senr.* 7 pp. *Endorsed*, Recd. Feb. 12, 1704. [C.O. 37, 7. Nos. 2, 2.i-vi; *and (without enclosures)* 38, 6. pp. 87-95.]

Aug. 15. **502.** Mr. Popple to the Attorney General. *Returns* two Whitehall. Acts of Virginia by Col. Jennings to give further information on certain points. [C.O. 5, 1361. pp. 1, 2.]

Aug. 15. **503.** Memorandum [*? by Sir Charles Hedges*]. The Commrs. of Trade send an abstract of pris'ners taken in New England. They further desire to have the papers laid before them which have been taken on board ye ship bound to Canada. $\frac{1}{2}$ p. *Enclosed*,

503. i. Extract of a letter from Gov. Dudley, April 20, 1702 (*? 1704*) *referred to in preceding.* $\frac{1}{2}$ p. [C.O. 5, 751. Nos. 54, 54.i.]

Aug. 17. **504.** Order of Queen in Council. Ordered that the Council St. James's. of Trade and Plantations do send an account to one of H.M. Principal Secretaries of State of the English prisoners that have been lately taken by the French of Canada. *Signed*, John Povey. *Endorsed*, Recd. Read Aug. 22, 1704. $\frac{1}{2}$ p. [C.O. 5, 863. No. 115; *and* 5, 911. p. 385.]

Aug. 17. **505.** Council of Trade and Plantations to the Board of Whitehall. Ordnance. We are ready to give Capt. Rednap such Letters of recommendation to the Governors as he may desire [*see Aug. 8*]. [C.O. 5, 911. p. 384.]

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Aug. 17.
Whitehall.

506. Council of Trade and Plantations to the Queen. Recommend the Revenue Act of Jamaica for H.M. approbation. [*C.O.* 138, 11. *pp.* 300, 301.]

Aug. 17.
Whitehall.

507. Council of Trade and Plantations to Governor Nicholson. The bearer hereof, James Wallace, having thought himself obliged with other inhabitants of Virginia, to give us some informations which may be displeasing to you, and being thereupon apprehensive of the effects of your displeasure upon his return to Virginia, where the duty of his Ministry calls him, and the Lord Bishop of London having further recommended him to us, we accordingly recommend him to you, not to molest him, but to give him all reasonable encouragement. [*C.O.* 5, 1361. *pp.* 4, 5.]

Aug. 17.
Whitehall.

508. Council of Trade and Plantations to Governor Nicholson. Whereas we have already acquainted you that H.M. has been pleased to direct that you return to answer the complaints against you, and there being some informations come to us by the last ships of great heats expressed by you against private persons for matters that are or have been in difference or contest between you, we do further think it for H.M. service and the quiet of the Province, that you forbear (and discontinue if begun) any personal resentment, prosecution or molestation whatsoever, upon your own account against any person concerned in those complaints, whilst the said complaints against you are depending and untill H.M. have determined thereupon. [*C.O.* 5, 1361. *pp.* 2-4.]

Aug. 17.
Whitehall.

509. Council of Trade and Plantations to the Queen. *Enclose following*, as ordered Aug. 3. *Annexed*,

509. i. Additional Instructions to Lt. Governor Bennet. Whereas we are above all things desirous that all our subjects may enjoy their legal rights and properties, you are to take especial care that if any person be committed for any criminal matters (unless for treason, felony or piracy plainly and specially express'd in the warrant of Commitment) such person have free liberty to petition, by himself or otherwise, the Chief Baron or any one of the Judges of the Common Pleas for a Writt of Habeas Corpus, which upon such application shall be granted and serv'd on the Provost Marshall, Goaler or other Officer having the custody of such prisoner, or shall be left at the goal or place where the prisoner is confined. And the said Provost Marshal or other Officer shall within three days after such service (on the petitioner paying the fees and charges and giving security that he will not escape by the way) make return of the writt and prisoner before the Judge who granted out the said writt, and there certify the true cause of the imprisonment. And the said Baron or Judge shall discharge such prisoner, taking his recognizance and surties for his appearance at the Court where the offence

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is cognizable, and certify the said writ and recognizance unto the Court, unless such offences appear to the said Judge not bailable by the Law of England. And in case the said Judge shall refuse to grant a Writ of Habeas Corpus on view of the copy of Commitment, or upon oath made of such copy having been denied the prisoner or any person requiring the same in his behalf, or shall delay to discharge the prisoner after the granting of such writt, the said Baron or Judge shall incur the forfeiture of his place. You are likewise to declare our pleasure, that in case the Provost Marshall or other Officer shall imprison any person above 12 hours, except by a Mittimus setting forth the cause thereof, he be removed from his said office. And upon the application of any person wrongfully committed, the Baron or Judge shall issue his warrant to the Provost Marshal or other Officer to bring the prisoner before him, who shall be discharged without bail or paying fees. And the Provost Marshal or other Officer refusing obedience to such warrant, shall be thereupon removed, and if the said Baron or Judge deny his warrant he shall likewise incur the forfeiture of his place; you shall give directions that no prisoner being set at large by an Habeas Corpus be recommitted for the same offence, but by the Court where he is bound to appear, and if any Baron, Judge, Provost Marshal or other Officer contrary hereunto, shall recommit such person so bailed or delivered, you are to remove him or them from their places respectively. And if the Provost Marshal or other Officer having the custody of the prisoner neglect to return the Habeas Corpus or refuses a copy of the Commitment within 6 hours after demand made by the prisoner, or any other in his behalf, shall likewise incur the forfeiture of his place. And for the better prevention of long imprisonments, you are to appoint two Courts of Oyer and Terminer to be held yearly, vizt. on the second Tuesday in December, and the second Tuesday in June, the charge whereof to be paid by the publick Treasury of our said Islands, not exceeding 50*l.* each Session. You are to take care that all prisoners in cases of treason, felony or piracy, have free liberty to petition in open Court for their tryals, and that such as are prisoners for treason and felony, be indicted at the first Court of Oyer and Terminer, unless it appears upon oath, that the witnesses against them could not be produced, and that they be tryed the second Court and discharged, and the Baron or Judge, upon motion made the last day of the Sessions in open Court, is to bail the prisoner, or upon the refusal of the said Baron, Judge, and Provost Marshal or other Officer to do their respective duties herein, shall be removed from their places. And that such as are

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prisoners for piracy be likewise tryed at the first Meeting of the Commissioners appointed or to be appointed by our special Commission for the tryal of pirats pursuant to an Act of Parliament in that behalf, unless it appears upon oath that the witnesses against them could not be produceed and that then they be tryed at the second Meeting of the said Commissioners or discharged. Provided always that no person be discharged out of prison, who stands committed for debt, for any decree of Chancery, or any legal Proceeding of any Court of Records. And provided also that in case any Officer in the said Islands do hold his place by vertue of our Letters Patent, he be only suspended from the execution of his place upon any misbehaviour as aforesaid untill our royal pleasure be known. And for the preventing any exactions that may be made upon prisoners, you are to declare our pleasure, that no Baron or Judge shall receive for himself or Clerks, for granting a Writ of Habeas Corpus, more than 2s. 6d., and the like summ for taking a recognizance, and that the Provost Marshall shall not receive more than 5s. for every Commitment, 1s. 3d. for the Bond the prisoner is to sign, 1s. 3d. for every copy of a Mittimus, and 1s. 3d. for every mile he bringeth back the prisoner. And further you are to cause this our Royal Pleasure hereby signified to you to be made publick and registred in the Council Books of our said Islands of Bermuda. [C.O. 38, 6. pp. 57-63.]

Aug. 17. **510.** Order of Queen in Council. Referring back draught of
St. James's. *above* Instruction to the Council of Trade and Plantations to add the word *piracy* after *felony*, together with such other words as they shall think requisite. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Aug. 25, 1704. $\frac{3}{4}$ p. [C.O. 37, 6. No. 23; and 38, 6. p. 84.]

Aug. 17. **511.** J. Thurston to Council of Trade and Plantations. The Admiralty yesterday received advice that the *Coventry* man of war, convoy to Newfoundland, has had the misfortune to be taken by the French and carryed into Brest, and that several ships under her convoy have been likewise taken. 471*l.* 13s. 9*d.* of the soldiers' money was on board her *etc.* And although the provision-ship is said to have escaped, yet if any accident has befallen her elsewhere, it may be of the last ill consequence to the garrison, as well as the want of their money, which may cause them to desert, unless timely orders be given. *Signed*, J. Thurston. *P.S.*—The Admiralty has appointed another man of war, which will be ready in a week's time. *Endorsed*, Recd. Read Aug. 17, 1704. 2 pp. [C.O. 194, 3. No. 28.]

Aug. 18. **512.** W. Popple, jr. to Mr. Lowndes. The Council of Trade
Whitchall. and Plantations *enclose preceding* and recommend Memoriall to the Lord Treasurer. And whereas there may be likewise danger

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of loosing the provision ship, and another convoy being appointed for Newfoundland, their Lordships offer that a credit by a Letter to Col. Dudley not exceeding 600*l.* sterl. be sent by the said convoy to the Commander in Chief of the garrison there, that in case the said provision ship be lost he may dispatch a vessel to New England, and by virtue of such credit procure from thence such provisions as shall be necessary, untill the arrival of the shipping the next year. [*C.O.* 195, 3. *pp.* 337, 338.]

Aug. 18.
Whitehall.

513. Council of Trade and Plantations to the Lord High Treasurer. *Enclose* account of incidental expenses of the office, Christmas to Midsummer. We have examined the particulars. Total, 146*l.* 19*s.* 1*d.* [*C.O.* 389, 36. *pp.* 198, 199.]

Aug. 18.
Whitehall.

514. Receipt for a suit of soldiers' cloathing returned by Lord Cornbury. *Signed*, Patrick Wardrope. *Endorsed*, Reed. Aug. 18, 1704. $\frac{1}{4}$ *p.* [*C.O.* 5, 1048. *No.* 89; and 5, 1120. *p.* 111.]

Aug. 22.
Barbadoes.

515. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges letters of June 29.* I shall very carefully observe all the directions in both. I send a duplicate of my last letter, but am not provided with duplicates from the offices of the publick papers. I shall send them by the fleet, which will sail the 14th of next month, and consequently arrive about the same time with this. I shall then also give your Lordships a further account of the publick proceedings here. Since my last there has another alteration happened in the Council, Mr. Tobias Frere, a member of it, being offended a Cause he had in Chancery was decreed against him, did in open Court tell me he would come no more to Council, upon which the number being under 7, I put in Mr. John Mills a person every way well qualified, and I doe intreat your Lordships' confirmation of him. Mr. Tobias Frere did as little deserve that honour as any man, being a drunken, swearing, profligate person. One Mr. Richd. Downs did lately give me a mandamus dated in Feb. last for him to be sworn into the first vacancy of the Council. there are two at present by the death of Mr. Callow here and Col. Farmer in England, however, I have not as yet sworn him in, he being a man of a very ill life, and I doe believe will appear to have chiefly bin the occasion of the not sending an advice-boat to General Codrington when Walker's fleet was here. He was at that time Treasurer, and would not lay out the money; but of this I shall be able in my next to be more particular. I am not very well in my health which must be my excuse to your Lordships that I doe not enlarge further at present. *Signed*, Bevill Granville. *Endorsed*, Reed. Read Nov. 13, 1704. 3 *pp.* [*C.O.* 28, 7. *No.* 39; and 29, 9. *pp.* 83-85.]

Aug. 22.
Whitehall.

516. Council of Trade and Plantations to Governor Lord Cornbury. Recommend Capt. Rednap to his Lordship's protection and countenance. [*C.O.* 5, 1120. *p.* 112.]

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517. Mr. Champante to the Council of Trade and Plantations. Restates Capt. Nanfan's case. There being no probability of his accounts ever being settled in New York, *prays* their Lordships to interpose with my Lord Treasurer for his order for the immediate payment to him of the 1,500*l.* lodged in Mr. Thrale's hands, so that he may be at liberty to come over and account. *Proposes* that sufficient security shall be given that Capt. Nanfan shall stand the event of his accts. *Signed*, J. Champante. *Annexed*,

517. i. Capt. Nanfan's account with the Four Companys of New York. *Deb.* Subsistance March 8–Dec. 24, 1701. 3,691*l.* 10*s.* 10*d.*, and nett clearings, Dec. 24–June 24, 1701, 221*l.* 0*s.* 7*d.* := 3,912*l.* 11*s.* 5*d.* *Cred.* Payments, 5,564*l.* 13*s.* 5½*d.* *Balance*, 1,652*l.* 2*s.* 0½*d.* *Deb.* 10 p.c. of 3,912*l.* 11*s.* 5*d.* := 391*l.* 5*s.* *Cred.* *Payments.* 549*l.* 10*s.* 6¾*d.* *Balance* 158*l.* 5*s.* 6¾*d.* *The whole endorsed.* *Recd.* *Read* Aug. 24, 1704. 5 pp. [*C.O.* 5, 1048. Nos. 90, 90.i.; and 5, 1120. pp. 210–215.]

Aug. 23.

518. E. Jenings to the Council of Trade and Plantations. *Prays* the Board to consider his expenses in coming to England with the Virginia Bills *etc.* *Signed*, E. Jenings. *Endorsed*, *Recd.* *Read* Aug. 23, 1704. 1 p. [*C.O.* 5, 1314. No. 30; and 5, 1361. pp. 6, 7.]

Aug. 23.

519. Nath. Blakiston, Agent for Maryland, to the Council of Trade and Plantations. In obedience to H.M. injunction, the Assembly of Maryland granted 300*l.* of their quota toward carrying on some fortification in New York, in response to Petitioner's persuasion, he being then Governor, tho' they were fully persuaded that the erecting the said fortification would be of no use to the defence of Maryland. But before they would advance anything, the Speaker with some of the Assembly told Petitioner that it was his opinion, and I would assure them to use my best endeavours if in case their neighbours, Virginia and Pensilvania, did not advance their proportions likewise, then the Ordinance of Assembly should be voyd, and Petitioner did accept it upon those termes. But since Virginia nor Pensilvania have not shown ye least inclination towards theire quota, besides the fortifications that ye mony was given for is laid a side and ordered to be erected else where. *Prays*, on behalf of the Assembly, that they may be discharg'd from the said Ordinance. *Endorsed*, *Recd.* *Read* Aug. 23, 1704. *Holograph.* 1 p. [*C.O.* 5, 715. No. 80; and 5, 726. pp. 287, 288.]

[Aug. 24.]

520. Mr. Lodwick to the Council of Trade and Plantations. *Prays* for a speedy representation for confirming the Act of New York reversing the proceedings against Col. Bayard and Mr. Hutchins. *Signed*, Charles Lodwick. *Endorsed*, *Recd.* *Read* Aug. 24, 1704. ¾ p. [*C.O.* 5, 1048. No. 91; and 5, 1120. pp. 203, 204.]

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Aug. 24. **521.** W. Popple, jr., to Mr. Lodwick. *Encloses following,*
Whitehall. which the Council of Trade and Plantations send you, that you may get Mr. Attorney's report, so as that they may have it time enough to lay the same before H.M. at next Councill. [C.O. 5, 1120. p. 208.]
- Aug. 24. **522.** W. Popple, jr., to Mr. Attorney General. The Council
Whitehall. of Trade and Plantations desire your opinion in point of Law upon the [*above Act of New York*] as soon as conveniently you can. [C.O. 5, 1120. p. 209.]
- Aug. 24. **523.** Council of Trade and Plantations to Gov. Dudley. Since
Whitehall. ours of July 11, we have received none from you. We enclose H.M. letter directing your proceedings in relation to H.M. and the Lord High Admiral's shares of prizes, which directions you are punctually to observe. We likewise herewith enclose H.M. additional Instruction relating to the Acts for Trade and Navigation [*July 17*], which you are to observe, and to give notice accordingly to all Masters and owners of vessels, and to all other persons concerned in the collecting of H.M. Customes or any ways inspecting the Navigation and Trade into, or out of the Provinces under your Government, that they may regulate themselves accordingly during the present war and no longer. We desire you to forward the enclosed letter to the Governor and Company of H.M. Colony of Rhode Island. The Lord Cornbury having complained to us, that severall of his letters which were sent by the way of Boston had been opened before they came to his hands, we desire you to give strict orders to the Post Officers or others employed in the carrying of those letters, that no such thing may happen for the future. [C.O. 5, 911. pp. 386-388.]
- Aug. 24. **524.** W. Popple, jr., to J. Burchet. *Encloses duplicate of*
Whitehall. Heads of Enquiry etc. for Newfoundland. [C.O. 195, 3. pp. 338, 339.]
- Aug. 24. **525.** Council of Trade and Plantations to Governor Seymour.
Whitehall. We have received yours of May 23 and are very glad thereby to understand your safe arrival in Maryland, after the fatigues of so tedious and dangerous a voyage. We have received also the papers therewith transmitted, which we shal in due time peruse, and return you such answers thereupon as may be necessary. In the mean time we take notice of what you write about the ill state of the Militia, and that the principles of some of the inhabitants (particularly the Quakers) and the poverty of others (unable to provide themselves arms and ammunition) do obstruct the reformation you wou'd endeavour to introduce. You will take care that the Quakers, who will not bear arms themselves, do by mony or otherwise substitute other persons to perform that duty in their stead. And as to the poverty of the inhabitants, we conceive that arms are to be provided out of the fund of 3*l.* per hhd., and we do not doubt but you will find

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a competent sum in that stock, ready for that purpose, by which arms may be provided here by the Agent of the Colony and sent over to be distributed to the inhabitants that may want them, upon their giving security to answer the value. As to Mr. Tench's pretensions of having one half of the 12*d.* per hogshd. of such tobacco as was cleared after your arrival, we can by no means think it reasonable, and we doubt not but you will take care accordingly. We inclose H.M. letter directing your proceedings in relation to prizes *etc.* [Feb. 16]. We inclose H.M. additional Instructions relating to seamen, *etc.* (July 17), which you are to observe, and to give notice accordingly to masters and owners of vessels and to all other persons concerned in the collecting of H.M. Customs, or any ways inspecting the Navigation and Trade into or out of your Government, that they may regulate themselves accordingly, during the present war, and no longer. [C.O. 5, 726. pp. 297-299.]

Aug. 24. **526.** W. Popple, jr., to Josiah Burchett. *Encloses* extracts of letters from Governor Handasyd and Governor Sir B. Granville to be laid before H.R.H. Council. [C.O. 138, 11. p. 313.]

Aug. 24. **527.** Council of Trade and Plantations to Governor Nicholson. Whitehall. *Acknowledgc* letters of May 31 and June 6, which we shall answer by the first opportunity. *Enclose* Instructions relating to shares of Prizes [see Feb. 16], and to seamen [see July 17]. [C.O. 5, 1361. pp. 21-23.]

Aug. 24. **528.** Sir C. Hedges to the Council of Trade and Plantations. Cockpitt. *Encloses* Laws and Journals lately received from Virginia and Maryland. I am to desire that you will let me know, if you can, what prisoners the French have of ours in the West Indies. *Signed*, C. Hedges. *Endorsed*, Recd. Read Aug. 25, 1704. *Holograph*. 1 p. [C.O. 137, 6. No. 62; and 138, 11. pp. 318, 319.]

Aug. 24. **529.** Council of Trade and Plantations to Lt. Governor Whitehall. Bennett. We are now to answer your letters of Oct. 19, Jan. 11, Aprill 20, May 31 and June 10. By the letters writ you by the Earle of Nottingham, relating to Trade with the Spaniards, you will see how you are to govern yourself in this conjuncture, unto which we have nothing to add. As to Daniel Smith, who you say is under confinement on account of piracy, you are to proceed against him according to Law. You have here inclosed the duplicates of our letters relating to intelligence had in France by letters taken on board Plantation ships, and of our letter inclosing H.M. Proclamation for settling the rates of foreign coins in the Plantations, the contents of both which we doubt not but you will carefully observe. Whereas formerly a magazine ship used annually to be sent from Bermuda laden with tobacco to England, but no such ship having come of late, we desire you to give us a particular account of the tobacco annually planted, and what quantity is exported, and to what places, and how it comes to pass that no such magazine ship has been sent of late

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years, which will be most properly done by a certificate under the hand of the Collector of the Plantation dutys. Upon the reason you give for not sending over the accounts of the Revenue, because the Auditor was sick, we must observe that you ought to appoint some other fit person to officiate in his stead during his indisposition, to examine the said accounts before your self in Council, in order to their being regularly transmitted according to your Instructions, and desire you to send us the accounts of the Revenue since your Government, as also transcripts of the Journals of the Assembly and Minutes of the Council for the same time, as likewise the Naval Officers' lists of ships entred and cleared at Bermuda, and of all other papers of publick Proceedings which you are directed by your Instructions to send. We have laid before H.M. the several Laws past at Bermuda from 1690 to 1694, and shall goe on with the rest. We send you H.M. orders thereupon, that you may take notice thereof accordingly, and take care that they be duly registered. *Quote Representation of July 18 etc.* There are other Acts past in the foresaid years, which we have not laid before H.M., vizt. *An Act for establishing and regulating Courts of Judicature*, tho' we have no particular objection thereunto, yet we consider that whilst it is left in this manner unconfirmed (tho' in force) you may, as you see occasion, get such alterations and additions made thereunto, as may render it more full and perfect. *An Act for vessells paying powder money*, upon which we must observe that the powder duty ought to be paid in specie and not in money, and therefore you will do well to get that rectified by a subsequent Act. There are four other Acts vizt. *An Act for trying any debts or difference not exceeding 20s. by the Justices of Peace.* *An Act for recovery of debts from persons insolvent.* *An Act quieting men's estates and preventing law suits.* And an *Act for the alteration and amendment of several Acts of Assembly*, unto which Mr. Solicitor General having made some objections [Dec. 6] we send you the same here inclosed, that you may also endeavour to get these Acts rectified in the first Assembly. In the collection of the Laws of Bermuda which you sent us, Oct. 19, we find the Act against bastardy and incontinency, which was past in 1690 or 1691 to be wanting, the reason whereof we desire you to inform us. But in the said Collection, we find severall Acts said to be past in 1694, 1698 and 1701, which have not been formerly transmitted hither. We send you therefore a list of the said Acts that you may examine the same, and then inform us of the reasons why they were not sent with the other Acts past in the foresaid years. *Enclose H.M. Instructions relating to shares of prizes [Feb. 16], and to seamen [July 17]. Annexed.*

529. i. List of Bermuda Acts contained in the body of Laws, 1703, which have not been formerly sent to this office. [C.O. 38, 6. pp. 72-84.]

Aug. 24.
Whitehall.

530. Council of Trade and Plantations to Governor Lord Cornbury. We are to acknowledge the receipt of your letters of June 17, 22, 24, 26 and 30, with the Papers therein referred to,

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which we shall take into consideration and return our answers by the first opportunity. In the mean time we shall only observe that the Acts transmitted with the foresaid letters have not any dates nor so much as the year of the sitting of the Assembly in which they were past, and therefore we desire your Lordship to inform us thereof by your first letter, and that for the future your Lordship would take care that the time of your Lordship's passing any Acts be always certified by you at the end of the said Acts. *Enclose* H.M. Instructions relating to shares of *prizes* [see Feb. 16], and *seamen* [see July 17]. And whereas your Lordship does by your letter of June 30 represent unto us that the Colony is in want of all sorts of stores, having received none from England since those your Lordship took with you, so that you pray a supply, we are to observe to your Lordship that we despair of success in our application to the Queen for such supply of stores untill your Lordship do give us an account of the disposal of such stores as have been of late yeares sent to New Yorke, and more particularly of those your Lordship took with you; and further we desire that upon occasion of such demand you do enumerate the particulars and quantities, and to what use they are to be applied. *P.S.*—We desire your Lordship to forward the inclosed packet to the Govr. and Company of Connecticut. [*C.O.* 5, 1120. *pp.* 204–207.]

Aug. 24.
Whitehall.

531. William Popple, jr., to Mr. Lowndes. The Council of Trade and Plantations desire you to move the Lord High Treasurer to direct Mr. Baker to take care of expediting the new Commissions for trying pirates in the Plantations [*Aug.* 3]. [*C.O.* 324, 2. *pp.* 31, 32.]

Aug. 25.
Whitehall.

532. Council of Trade and Plantations to Mr. Secretary Hedges. We do not know of any English prisoners taken by the French in the West Indies, except those we have already mentioned, and believe there are not any such from Jamaica, for that Col. Handasyd has lately sent over several French prisoners, which he would not have done, had there been any English in their hands. *Autographs.* 1 p. [*C.O.* 5, 751. *No.* 53; and 138, 11. *pp.* 319, 320.]

Aug. 25.
Whitehall.

533. Council of Trade and Plantations to the Queen. Your Majesty having given directions to your several Governors in America to revise the Laws of their respective Governments and transmit unto us a compleat collection thereof so revised, with such alterations and amendments as might be most for your Majesty's service and advantage of the Colony, Gov. Nicholson has accordingly sent to us a collection of such Bills compiled by a Committee of the Council and Assembly, by which the many laws of Virginia are brought into a more methodical and compendious form, which Bills we have taken into consideration and have been attended therein by Mr. Jennings, Secretary of your Majesty's said Colony, and have consulted the Commissioners of your Majesty's Customes upon such of those Bills as

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relate to Trade as also your Majesty's Attorney General in point of law, and having received their opinions and made such alterations as we judge proper for your Majesty's service and the benefit of that Colony, we humbly offer that the said Bills be remitted back to your Majesty's Governor of Virginia, that the same may be laid before the Council and Assembly for their further consideration, in order to their being passed into Acts in the usual manner. [C.O. 5, 1361. pp. 24, 25.]

Aug. 25.
Whitehall.

534. Council of Trade and Plantations to Governor Handasyd. *Enclose duplicates.* We have received yours of May 4 and 19 and June 19. We have sent to Mr. Secretary Hedges what you write in relation to the French prisoners sent home. We have laid before H.R.H. the Lord High Admiral what you write about the late Captain of the *Sea Horse*, about the *Mermaid* man of war, and the want of spare masts to refit H.M. ships, as there may be occasion, and we wish you had sent us the particulars relating to the *Sea Horse* (as you promised to do in your next) that we might have also laid the same before the Lord High Admiral; but however in all cases relating to H.M. ships of war you are likewise to make immediate application to the Lord High Admiral's Council, giving us at the same time notice thereof. We have received the Acts and other papers transmitted with your foresaid letter, but we must remind you of transmitting to us quarterly, or as often as conveniently may be, the Naval Officers' lists of ships entred and cleared at Jamaica, according to your Instructions relating to the Acts of Trade and Navigation, that we may have a perfect account of the state of the trade of Jamaica. We have laid before H.M. the Act passed in November, 1703, for raising a publick revenue etc. which H.M. has been graciously pleased to approve, the confirmation thereof you will receive with our next. We send you here inclosed some observations made by the Lord High Treasurer upon the said Act, that you may endeavour to get such of the defects mentioned therein explained and remedied by a subsequent Act. In the meantime we desire you to return us your distinct answer to the several particulars in the said observations. And whereas in the *Act for ascertaining and establishing and more speedy collecting H.M. quit-rents* there is a clause whereby all quit-rents due before Michaelmas 1692 are discharged, we desire you to explain that matter to us, because the loss of the Receiver General's books of accounts and of all papers relating to quit rents by the earthquake does not seem unto us a sufficient reason for such a discharge. We inclose H.M. Instructions relating to shares of prizes [Feb. 16] and seamen [July 17]. [C.O. 138, 11. pp. 314-317.]

Aug. 25.
Whitehall.

535. Council of Trade and Plantations to the Queen. *Recommend* that Col. Johnson be confirmed in his post, his Commission and salary to date from July 1, 1703 [see July 12]. [C.O. 153, 9. p. 32.]

Aug. 25.
Whitehall.

536. Council of Trade and Plantations to Governor Sir Wm. Matthew, Knt. We have received no letter from you since
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ours of June 29, but we are in daily expectation to hear of your safe arrival. We send you the extract of a letter from Capt. Lloyd, Commander of the Company at Newfoundland, relating to the piratical proceedings of George Bald, Commander of the *Adventure*, a New England sloop commissioned by Col. Codrington, that you may make enquiry into that matter, and if the complaint be found true, that you do your best endeavours that the offenders be brought to condign punishment, this may serve as a caution to you not to grant Commissions to privateers without sufficient security. Having had under consideration several laws of the Plantations, we find it absolutely necessary to remind you of that Instruction which directs you to send over a compleat collection of all the Laws in force in each respective Island under your Government, with the years when the said Acts were passed. Which therefore we desire you to do with all possible dispatch. Our letter to Col. Codrington of Feb. 16, having by mistake been carried by the packet boat to Jamaica and from thence returned hither, we send you the same here inclosed, lest the duplicate should also have miscarried. *Enclose* H.M. Instructions relating to shares of prizes [Feb. 16] and seamen [July 17]. [*C.O.* 153, 9. *pp.* 33-36.]

Aug. 25.
Whitehall.

537. Council of Trade and Plantations to Mr. Secretary Hedges. H.M. having thought fit to appoint a Day of Public Thanksgiving throughout England for the great successes of H.M. arms near the Danube, and there being shipping ready for the Plantations, we put you in mind of those parts, in order to H.M. direction for the like Thanksgiving in her several Colonies in America. We should be glad to know H.M. pleasure before to-morrow night, in order to the dispatch of our letters by the first post to Plymouth, where the ships are ready to saile to the Continent. *Autographs.* 1 p. [*C.O.* 5, 3. No. 18; and 324, 9. p. 33.]

Aug. 25.
Whitehall.

538. Circular letter from the Council of Trade and Plantations to the several Governors and Proprietors in America. It having pleased Almighty God to give H.M. a compleat and glorious victory over her enemies near the Danube under the conduct of his Grace the Duke of Marlborough, and H.M. having thought fitt in acknowledgement of so great a blessing to appoint a Day of Thanksgiving here in England, which as it cannot be so soon complied with by you, we herewith enclose to you the said Proclamation with directions that upon receipt thereof you appoint a proper and speedy day to be kept by all H.M. good subjects under your Government in like manner as is prescribed by the said Proclamation. [*C.O.* 324, 9. p. 34; and 5, 1291. p. 45.]

Aug. 25.
Whitehall.

539. Council of Trade and Plantations to the Queen. Having received information from Governor Sir B. Granville of an indirect practice very long made use of in that Island, of allowing of messages to be brought thither by flags of truce from Martinico,

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whereby a correspondence was entertained with the French, and illegal trade carried on, we did thereupon write to him, that he should forbid the said practice for the future, except upon very extraordinary occasions, which as we are informed he has accordingly done. And whereas Samuel Cox, one of the Council of that Island, having been represented to us as having favoured the practice, was thereupon suspended from his place in your Majesty's said Council, but upon full examination has been cleared from that imputation, and is represented to us by the Council there as a person well affected to your Majesty's service, we humbly offer that your Majesty be pleased to direct Sir B. Granville to take off the said suspension. [*C.O.* 29, 8. *pp.* 461, 462.]

Aug. 26. **540.** Council of Trade and Plantations to Governor Sir B. Whitehall. Granville. *Enclose* duplicates and acknowledge letter of May 24. We have laid before H.R.H. the Lord High Admiral what you write concerning guard ships. We desire you to transmit unto us quarterly, or as often as conveniently may be, the Naval Officers' lists of ships entred and cleared at Barbados, according to your Instructions, relating to the Acts of Trade and Navigation, that we may have a perfect account of the state of the Trade of Barbados. Upon our considering the laws of Barbados and other Plantations, we find it absolutely necessary for H.M. service that we have compleat collections of all the laws in force in each respective Government, with the years when the said Acts were past, and therefore, we desire you to send us such a collection with all possible dispatch. *Enclose* H.M. letter relating to Prizes [Feb. 16] and Seamen [July 17], *etc.* [*C.O.* 29, 8. *pp.* 463-465.]

Aug. 26. **541.** W. Popple, jr., to Mr. Attorney General. The Council Whitehall. of Trade and Plantations *enclose* you Lord Cornbury's letter of June 26 relating to the seizure of the *Eagle* galley, and the proceedings relating to it *etc.* They desire, upon hearing the parties concerned, your opinion thereupon, whether the same be a legal seizure, or what may be fit to be done therein. You will be attended by Sir Jeffry Jeffreys on the one side and Mr. Barker in behalf of Mr. Byerly, Collector at New York, on the other. [*C.O.* 5, 1120. *pp.* 216, 217.]

Aug. 26. **542.** W. Popple, jr., to Wm. Lowndes. *Encloses* letters Whitehall. from Lord Cornbury, June 17 and 22, and other papers relating to the accounts of Lord Bellomont and Capt. Naudan, to be laid before the Lord Treasurer for examination, and also Mr. Champante's Memorial, Aug. 24. [*q.v.*] [*C.O.* 5, 1120. *pp.* 217, 218.]

Aug. 30. **543.** Sir R. Harley to the Lord High Treasurer. I am Whitehall. commanded by H.M. to refer enclosed petition for your consideration. *Signed*, Ro. Harley. 1 *p.* *Enclosed.*

543. i. John Taylor to the Queen. Petitioner has contracted with the Commissioners of the Navy to supply two

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ships' loadings of masts yearly from Piscataqua. The Government of that place demands a duty of petitioner's mast shipp, because the ships are [*? not*] owned by one that lives there, though they were built in that country, which is making Englishmen aliens. The duty is exacted from none but such as come for masts, because none other trade thither but inhabitants' ships, which are exempted from ye duty. *Prays for an Order* that [*? no*] other dutys may be exacted from his said mast shipp, than what is payable for vessels built there and owned by the inhabitants. *Subscribed*, Whitehall, Treasury Chambers, Sept. 12. The Lord High Treasurer refers this petition to the Commissioners of Customs for their report. *Signed*, Wm. Lowndes. 1 p. [*C.O.* 5, 863. *Nos.* 116, 116.i.]

Aug. 31.
Nevis.

544. Governor Sir Wm. Mathew to the Council of Trade and Plantations. I have two letters from your Lordships of June 29, the one signifying H.M. pleasure, relating to foreign coyn, *etc.* By the other I find H.M. has bin informed that accounts have bin sent by private persons of the state of these H.M. Colonies. I shall forthwith so make known H.M. pleasure as that the same may be prevented for the future and the ill consequences may attend such practices avoided. Your Lordships may be assured of my due obedience as to every particular contained in them both. I have given directions for the transcribing of all the Acts in force, which shall be remitted to your Lordships so soon as they can possibly be completed. The state of the Islands so far as I can yet observe is as follows. Antigua being very large, having many landing places, no fort, or battery, of any consequence, very few people fit to bear armes, and those at great distance from each other, occasioned by the vast tracts of land in the possession of a small number of persons, renders it very weake. I have earnestly recommended the consideration thereof to the Council and Assembly and offered my thoughts what is fit to be don, and shall as speedily as possible return in order to encourage the effect thereof. Mountserrat being the second Island I have vissited, is but indifferently peopled, at great distances and most Irish Roman Chatholicks, but I'me of opinion while they are not roughly handled great benefit may be expected from them, and the rather because not one deserted at the enterprize of Guardaloupe. The Island is difficult of accesse, tho' the French have threatened to attack it with their privateers which have bin very numerous in these parts. Nevis, the Island from whence I send your Lordships this account, is in much the best posture for service and defence of any Island I have seen in this Government. I must do Lt. Governor Johnson that justice to tell your Lordps. it is chiefly owing to his great care and diligence, and that his zeal for H.M. service truly deserves your Lordships' favour. My next motion will be for St. Christophers, the state of which I shall send by the next packet, fearing I cannot get it ready by the time the Fleet will sail, when

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I shall send a list of the strength of the severall Islands in better form. Our great want is gunns from 12 to 24 pounders ; if H.M. would be graciously pleased to order 40 of that size for these her Islands, wee should be as it is our duty allwayse ready to employ them for her service ; carriages and all things else proper for them shall be provided here. The Fleet amounting to about 50 odd sail from the Leeward Islands will sail about Sep. 18. The Island of St. Thomas supplying the French constantly with provisions and what else they want, proves much to our prejudice, 'tis the enemy's privateers' harbour, 'tis thence they gett intelligence and in a manner have their subsistance, provisions being carried thither from New England and that North part of America. The Islands are in perfect health, the soldiers so well seasoned and known that the number at present heere may be truly be valued at double the number can be sent. There being so many Islands to protect and the Trade belonging to them makes it absolutely necessary I should apply to your Lordships for another frigott, one of those here being but an indifferent saylor, and neither of any considerable force. I should be glad to know how far my power reaches as to the exchange of prisoners, by what I can learn the French are desirous of a cartell. I beg your Lordships' favour in what relates to my advancement in the Army, being at present one of the eldest, if not the oldest Collonel, my brother Shrimpton being but few dayes older then myself made a Brigadeer, I humbly hope thro' your Lordships' favour the distance I serve at may not be a means of loosing my preferment. *Signed*, Will. Mathew. *Endorsed*, Recd. Read Nov. 13, 1704. *Holograph*. 7 pp. [C.O. 152, 5. No. 79 ; and 153, 9. pp. 42-46.]

Aug. 31. **545.** Attorney General to the Council of Trade and Plantations. I find nothing in the Act of New York (*reversing the proceedings against Bayard and Hutchins,*) contrary to Law or Justice or prejudiciall to H.M. Royall prerogative, but in regard that the record of the Attainders are to be destroyed, persons who have acted innocently under the orders of those who had power to command them may thereby be subjected to actions for what they have so done without any possibility of defending themselves. I wish there had been in the Act a clause for their indemnification, and I submit it to your Lordships' consideration whether Col. Bayard and Mr. Hutchins should not be required under their hands and seales to declare that they will not bring any such actions. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Sept. 12, 1704. 1 p. [C.O. 5, 1048. No. 92 ; and 5, 1120. pp. 218, 219.]

Sept. 2.
St. John's
Harbor.

546. Mr. Jackson to Commodore Bridge. I have weighed the resolve you with the rest of the Commanders came to yesterday in order to give Mr. Campbell possession of his house, wch. I am free to do, but it is impossible in so short a time, and I will never go down to the house he now lives in, but will move with my family to the Fort where my just residence is. As Chaplain

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I claim the second house in the Fort. Is Mr. Latham, who has no commission, and as Chief Mason ought to be preferred to a barrick, to be preferred in that place before me? *etc. etc.* Signed, John Jackson. *Endorsed*, Recd. Read Jan. 11, 170 $\frac{1}{2}$. Presented to the Board by Commodore Bridge. 1 $\frac{3}{4}$ pp. [C.O. 194, 3. No. 29(A); and 195, 3. pp. 376-379.]

Sept. 5.
Whitehall.

547. Mr. St. John[s] to Mr. Secretary Harley. *Prays for* an immediate order with regard to the 3 Regiments in the West Indies, who have been in those parts above 3 years and have petitioned to be relieved pursuant to H.M. Declaration [1702]. The uncertainty makes it impossible to provide clothing; the miseries endured on this account by the companies now in the West Indies are much greater than what the six companies, recently raised and ordered to be added to them, suffer here, who, being in an almost naked condition, I'll take care they shall do no duty, but be removed to warmer quarters, *etc.* Signed, St. Johns [*sic*]. 2 pp. *Enclosed*,

547. i. Captains of the Additional Companies to the Lords of the Privy Council. Ordered to garrison duty at Tilbury Fort, the new companies, not being as yet clothed, lie under exceeding great hardship *etc.* Signed, Wm. Lyndall, Fisher Wentworth. 1 $\frac{1}{2}$ pp. [C.O. 137, 6. Nos. 64, 64.i.]

Sept. 5.
Whitehall.

548. Mr. Secretary Harley to the Council of Trade and Plantations. The Queen commands me to send you the enclosed Memorial of the Envoye of Denmark, for your opinion, with all speed. Signed, Ro. Harley. *Endorsed*, Recd. 6th, Read 12th Sept., 1704. 1 p. *Enclosed*,

548. i. Envoy Extraordinary of Denmark to the Queen. Since the beginning of the war, the English privateers have seized or plundered several ships belonging to the subjects of the King of Denmark, inhabiting the Island of St. Thomas, which have been condemned on trivial pretences. *Instances*, the *Schutburg* and the *St. Patrick* belonging to Peter Smith, and the *Jean et Mateuues*, belonging to Abraham Tessemaker, the *Young Dorothea*, belonging to Peter Ronnels, the *Cosyns* belonging to Jean Jeansen de Wint, a barque belonging to Hans Bockhout, and the *Charles II.* belonging to Manuel Gilligan. *Demands* that they be restored or compensation paid, and that the English privateers be severely punished. Windsor, Sept. 3, 1704. Signed, J. Rosenkrantz. *French*. 2 $\frac{1}{2}$ pp. [C.O. 137, 6. Nos. 63, 63.i.; and 138, 11. pp. 320-323.]

Sept. 6.
St. James's.

549. Order of Queen in Council. Confirming Commission of Lt. Governor Johnson as recommended Aug. 25. Signed, John Povey. *Endorsed*, Recd. Read Sept. 12, 1704. 1 p. [C.O. 152, 5. No. 80; and 153, 9. pp. 37, 38.]

Sept. 6.
St. James's.

550. Order of Queen in Council. Referring petition of Jeronimy Clifford, complaining of the delay in the examination of

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his accounts [Feb. 10], to the Council of Trade and Plantations, who are to examine his complaint and recommend the hastening of the Report. *Signed*, John Povey. *Endorsed*, Reed. Read Sept. 12, 1704. $\frac{1}{2}$ p. *Enclosed*,

550. i. Petition of Jeronimy Clifford to the Queen *as above*. *Copy*. $1\frac{1}{2}$ pp.

550. ii. Copies of Mr. Clifford's letters to Messrs. Sheppard, Gardner and Oosterland, May 18 and June 7. $2\frac{1}{2}$ pp.

550. iii. Copy of Mr. Clifford's accounts. My damages and all my interest in Holland and Surinam amounts to 354,162 guilders, 13s. *Signed*, Jer. Clifford. May 18, 1704. 7 pp. [C.O. 388, 75. Nos. 98, 98.i.-iii.; and (with enclosure i. only) 389, 36. pp. 202-208.]

Sept. 6. **551.** Order of Queen in Council. Referring enclosed petition
St. James's. to the Council of Trade and Plantations for their opinion. *Signed*,
John Povey. *Endorsed*, Reed. Read Oct. 3, 1704. $\frac{3}{4}$ p.
Enclosed,

551. i. Petition of Edward Chilton to the Queen. Prays to be allowed to leave Barbados for a year, to repair his health and settle business, without prejudice to his patent for Attorney General of the said Island. *Copy*. 1 p. [C.O. 28, 7. Nos. 41, 41.i.; and 29, 9. pp. 50-52.]

Sept. 6. **552.** Order of Queen in Council. Approving Representation
St. James's. of Aug. 25 upon the Bills of Virginia, "except that it is not thought requisite that Instructions be sent to the Governor instead of the Bill for the better securing the liberty of the subject." Otherwise, the Bills to be remitted to the Governor to be passed as proposed by the said Representation. *Signed*, John Povey. *Endorsed*, Reed. 12th, Read 14th Sept. 1704. 1 p. [C.O. 5, 1314. No. 31; and 5, 1361. pp. 27, 28.]

Sept. 6. **553.** Order of Queen in Council. Approving Representation
St. James's. (Aug. 25) for the restoring of Samuel Cox to the Council of Barbados, and ordering a warrant to be prepared accordingly. *Signed*, John Povey. *Endorsed*, Reed. Read Oct. 3, 1704. 1 p. [C.O. 28, 38. No. 23; and 29, 9. pp. 48, 49; and 28, 7. No. 42.]

Sept. 8. **554.** Mr. St. John to Mr. Secretary Harley. I transmit
Whitehall. a paper wherein is contained the chief grievances which H.M. forces in Jamaica complain of, for in the Leeward Islands their condition is tolerable enough. I do not see how it is possible at this time to relieve them, and have reason to think that they would be contented enough to stay longer in those parts, if some of these hardships, imposed lately on them by those people who properly they are sent thither to defend, might be removed. *Signed*, St. John. 1 p. *Enclosed*,

554. i. Grievances of the Regiments in Jamaica as to inadequate allowances and quarters *etc. as supra passim*. $1\frac{1}{2}$ pp. [C.O. 137, 6. Nos. 65, 65.i.]

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Sept. 9. **555.** E. Dummer to Wm. Popple. *Gives account* of the Prince Packet boat's sailings to the West Indies. Out and home 98 days. *Signed*, E. Dummer. *Endorsed*, Recd. 9th, Read 13th Sept., 1704. 1 p. [C.O. 323, 5. No. 63.]
- Sept. 12. **556.** Royal African Company to the Council of Trade and Plantations. The Company have very great effects in H.M. Plantations in the West Indies, and are likely to encrease the same considerably by the ships now in their service designed thither with negroes from Guinea. The Company do from the said Islands load their effects upon freight on sundry ships as they offer from those parts, which ships they have not under their direction, and by the conduct of the owners this last year, ordering their ships to proceed without convoy, the Company as likewise themselves, and divers other traders, have been great sufferers besides the loss to the publick in the duties, the greater part having been taken by the French privateers. *Propose*, that your Honours would represent to H.R.H. the advantage it would be to the nation to send convoys to said Islands at two several seasons, vizt. two men of warr to depart England in all Dec., to be there the beginning of March, to come away with ships the first crop; two or more others to depart England in all March, to be there the beginning of June to convoy home the ships which will then bring off the whole remaining crop. In this method the convoys will not need to spend much time at the Island, the traders would have their effects with greater security, and at easier charge both in freight and insurance, which would consequently make the prizes of those commodities easier to the whole nation, and by bringing them safe home in proper seasons a great quantity would be exported and our neighbouring nations pay us for them, which would be a great help to preserve the ballance of trade in our favour. This is proposed only for Barbados, Antigua, Mountserrat, Nevis and St. Christophers, to all which places the same convoys will serve. *Signed*, John Pery, Secry. *Endorsed*, Recd. 12th, Read 14th Sept. 1704. 1 p. [C.O. 28, 7. No. 44; and 29, 8. pp. 470-472.]
- Sept. 12. **557.** Mr. Secretary Harley to the Council of Trade and Whitehall. Plantations. *Encloses* papers relating to the grievances of the forces at Jamaica [Sept. 5 and 8]. H.M. would have you report what methods may be most proper to encourage them to continue more willingly in that service, and to redress their hardships, as to quarters. If barraques can be built or certain quarters assigned, it will tend more to the security of the country, the ease of the inhabitants and the health of the soldiers, and considering how far these poor men goe, and venture their lives to defend a very unhealthfull place, it wou'd be a considerable encouragement if any advantages or privileges could be thought of to be granted those poor men after so many years service in the Troops. *Signed*, Ro. Harley. *Endorsed*, Recd. 13th, Read 14th Sept. 2 $\frac{1}{2}$ pp. [C.O. 137, 6. No. 66; and 138, 11. pp. 326, 327.]

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Sept. 12.
Whitehall.

558. Council of Trade and Plantations to Mr. Secretary Harley. In answer to your letter of Sep. 5 [q.v.], by a list of prizes taken and condemned at Jamaica and transmitted to us by Gov. Handasyd, we find that four of the sloops mentioned in the [Danish] Memorial, vizt. *The St. Patrick*, *the Cosyns*, *the North Lyon* belonging to *Hans Bockhout*, and *the Young Dorothy* were condemned at Jamaica for taking in goods at Curaçoa, and vending them to the Spaniards on the coast of Carraccos, and that another sloop called the *Schutburg* was also condemned at Jamaica for going to Fort Louis with flower and contraband goods to trade with the French; but we have not the Proceedings upon the condemnation of the foresaid sloops, nor any further particulars relating therunto, neither do we find any mention of the sloop called the *Jean and Mateures* mentioned in the said Memorial. As to the sloop *Charles the Second* owned by Manuel Manasses Gilligan, who is a natural born subject of H.M., but naturalized a Dane at the Island of St. Thomas, she was taken on the coast of Caraccos under Dutch colours, where she had been trading with the Spaniards in contraband goods, provisions and ammunition, for which she was condemned at Barbadoes, and upon her condemnation the persons concerned prayed an appeal to the Court of Admiralty in England, which was granted them upon their giving 200*l.* security, and 6 months were allowed them for prosecuting the same, and 3 months further to certifye the said prosecution; but we have not heard whether the said appeal be sent over hither or no. We humbly offer that a copy of the said Memorial be sent to the Governours of Jamaica and Barbadoes and that they be directed to transmit a particular account of the Proceedings had in each Island relating to the said sloops. And in the meantime that M. Rosenerantz be acquainted that the said vessels having been condemned in H.M. Courts of Admiralty in a judicial way, the persons who think themselves agrieved by the sentence may have recourse to the proper methods of law by appealing here in England. [C.O. 138, 11. pp. 324–326.]

Sept. 12.
From the
Fleet.

559. Jeronimy Clifford to the Council of Trade and Plantations. *Quotes* his letter of July 28, “to which I have had no answer, nor is there anything further done in my business, which occasions my being detained so long a prisoner.” *Prays* for relief. *Signed*, Jer. Clifford. 2 pp. [C.O. 388, 75. No. 96; and 389, 36. pp. 226, 227.]

Sept. 13.
Whitehall.

560. W. Popple, jr., to Mr. Clifford. *In reply to preceding*, encloses following. [C.O. 389, 36. p. 209.]

Sept. 13.
Whitehall.

561. Council of Trade and Plantations to Samuel Shepherd etc. Upon H.M. Order in Council, Sept. 6, we desire you to dispatch your report on Mr. Clifford's accounts. [C.O. 389, 36. pp. 210, 211.]

Sept. 14.

562. Merchants and Planters of Barbados to the Council of Trade and Plantations. There hath been convoy allowed but for

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one fleet to that Island this year though the necessities of the Planters do require that there should be two fleets yearly to supply them with stores to subsist the people, and enable them to carry on their works and to bring home their crops of sugar, ginger and cotton in such seasons as they may not be exposed to be destroyed by bad weather in winter, or be taken by the enemy, as many of their ships have lately been. The evils which H.M. subjects of that Island and that trade to it are liable to for want thereof are, (1) When provisions from England and other perishable goods (without which the inhabitants cannot subsist) go but once a year, they are oftentimes reduced to the utmost extremity before a supply comes to them, and then there comes so great quantities that part of it perishes before it can be used. (2) When there goes but one fleet, it comes thither so late that the utensils and stores for making sugar (which they cannot be without and must be constantly supplied with from hence) come so late that the damage the Planters sustain by the disappointment is often irreparable. (3) Then some rich merchants make such advantages of the Planters by the exorbitant prices they make them pay for their commodities that many of them are thereby undone. (4) The one fleet is detained in the Island generally till the hurricane time, and often forc'd to come home in winter. (5) They have not near tunnage sufficient to bring home their sugars, *etc.* which occasions freight to be excessive dear for what is brought home and great quantity of what is made is left in the Island, by which the Planter is disabled from having those provisions and stores which he stands in need of for the carrying on his works. The fleet which sailed last for Barbados having not carried a sufficient proportion of provisions and stores for the use of the inhabitants untill Jan. next, and it being absolutely necessary that there should be a supply sent to be there before they break the canes of the next cropp which they begin to do in that month, Petitioners pray your Lordships to move H.M. to order, that there may be at least one ship of war ready by Oct. 1st next to convoy such of the merchant ships as shall be then laden with provisions and stores for the said Island. *Signed*, John Harwood, Tho. Waite, Jno. Taylor, Tho. Foulerton, J. Kendall, B. Middleton, Jno. Walter, Tho. Skutt, Mel. Holder, Chrstr. Fowler, Ried. Carter, Tho. Corbett, Edwd. Alanson. John Gray, Franc. Eyles, Wm. Brooke, Silvens. Grove, Richd. Filden, Daut. Filden, Thomas Clarke, Rowld. Tryon, Robt. Chester, Tho. Stewart, Hen. Palmer, Wm. Tryon, David Creagh, Robt. Smith. *Endorsed*, Recd. 8th, Read 14th Sept. 1704. 1 p. [*C.O.* 28, 7. No. 43; and 29, 8. pp. 266-270.]

Sept. 15. **563.** Wm. Heysham and others to Sir Charles Hedges. The
 London. enclosed petition from several Members of the Assembly of Barbadoes, complaining against the Governor, which wee thought to have presented to H.M. in Councill on Thursday next, but hearing that there is an Address from several others of Barbados on his behalf to be delivered to H.M. on Sunday, and having waited upon my Lord President and Mr. Secretary Harley, we

1704.

were advised to send this petition to your Honour to be laid before H.M. at the same time, least anything should be done in prejudice to Petitioners or the four Gentlemen suspended from the Council. *Pray* that the three new Councillors may not be confirmed, and [*not*] any order made till the enclosed petition be taken into consideration. *Signed*, Wm. Heysham, Rob. Heysham, Guy Ball. *Addressed*. 1 p. [*C.O.* 28, 38. No. 24.]

Sept. 15. **564.** Mel. Holder to Mr. Popple. In reply to your enquiry
St. Mary Hill. how many ships are desired to go with supplies of necessaries for the beginning of the next crop in Barbados, by what I can at present learn there may be about ten or twelve saile. That petition was designed to be presented severall weeks ago, but there being very seldome a Board was deferred, so that the last of Oct. will be the soonest they can get ready to depart Gravesend in case they were now sure of a convoy which I am desired to acquaint you as will be requisite to be considered for the same length of time when a convoy shall be appointed. *Signed*, Mel. Holder. *Endorsed*, Recd. 16th, Read 19th Sept. 1704. *Addressed*. *Postmark*. 1 p. [*C.O.* 28, 7. No. 45; and 29, 8. p. 473.]

Sept. 16. **565.** J. Spann and S. Chamberlen [to Capt. Bridge]. Whereas
Woolwich, on Sept. 1st we were summoned to a Court of Justice held by you
St. John's and the Admirals of the Harbour of St. Johns, and the Court decided,
Harbour. in a case between John Jackson, Chaplain, and Colin Campbell, H.M. Agent for prizes, that Jackson should remove out of the house he then lived in, on the 10th, into a house assigned him by the Court, which he had formerly lived in, yet, in contempt thereof, he still lives there. And whereas you have directed a Court to be held on Munday for regulating several grievances of the inhabitants, by a complaint laid before you by Mr. Jackson, and that you have desired us to assist at the said Court, we cannot comply, until you have given us full assurance that you will send him to England to answer his contempt of the Order of the Court, together with his unmannerly letter of Sept. 2 (*q.v.*) etc. *Signed*, Jona. Spann, S. Chamberlen. *Endorsed*, Presented to the Board by Mr. Bridge. Recd. Read Jan. 11, 1705. 2 pp. [*C.O.* 194, 3. No. 29 (b); and 195, 3. pp. 372-375.]

Sept. 17. **566.** Governor Handasyd to the Council of Trade and
Jamaica. Plantations. I had the honour of two of your Lordships' of June 29. I have ordered a Proclamation to be issued out, expressing the words of your Lordships' letter, strictly charging all H.M. subjects to observe the same [*relating to correspondence*] as they shall answer the contrary at their peril. I likewise received H.M. Proclamations for the regulation of the foreign coins in these parts, all which shall be duly observed to the utmost of my power. Several of our trading sloops have already been trading with the Spaniards, and in case they had enough of the commodities the Spaniards wanted, which are very scarce in Jamaica, they might have had an extraordinary trade. I am obliged to put your Lordships in mind that I am very apprehensive

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there will be an absolute necessity of two or three more light friggoths, fourth, fifth and sixth rates, to protect our traders, I having received an account from a Master of a vessell, that was taken into Martinico and made his escape from thence, that the French there since we and the Dutch debar them of the Spanish trade, design to fit out several of their best privateers and send down upon the Spanish coast to cruize for the English and Dutch traders, so that unless some more light friggoths are sent, I do fear it will be an impossibility with these that are here to prevent their design. I beg leave to recommend Capt. Charles Gandy as a very fit man to have the command of a frigigate here, when one shall fall vacant, he having done very brave and singular actions against the enemy, while Captain of a Privateer, in taking two of their sloops in one day and disabling a third, so that she was glad to bear away, tho' all of them exceeded him in number both of men and gunns, which prevented a very ill consequence to this Island. He is a man of very good circumstances and I dare engage a faithfull servant to his Queen and country. I should not have offered to recommend him to your Lordships but that bravery may meet with a reward according to its deserts; he is very well acquainted with the Spanish coasts and speaks the language. I know it is my duty to recommend this to the Lord High Admiral, but I dare not presume, beleiving it might be ill taken by some other Flaggs, but I doubt not if your Lordships approve of it, you will soon find methods to get it done. As to the men of war here present I can give but a very slender account of them, several of their men being dead and sick, and I am afraid by lying in harbour, which is not in my power to prevent, the Captains still having one excuse or other. The Island is at present indifferent healthy. We have had two or three small earthquakes, but I do not hear of any damage they have done. As to my own particular, I have had the greatest shake I ever could have had, having lost one of the best of wives, who has left a numerous family of little ones motherless, she departed this life here Sep. 13, *etc.* Signed, Tho. Handasyd. *Endorsed*, Recd. Read Nov. 13, 1704. 2 pp. [C.O. 137, 6. No. 67; and 138, 11. pp. 343-347.]

Sept. 17.
Jamaica.

567. Governor Handasyd to Sir Charles Hedges. *Repeats information given in preceding, etc.* Several of our sloops have been trading with the Spaniards and find them very well inclined to trade with the English and Dutch, in case they could be protected from the insults of the French, *etc.* The French are preparing some of their best privateers to come down to prevent the English and Dutch trading with the Spaniards. It would be very convenient to send 3 or 4 nimble cruizers here to prevent it, if their Commanders are such persons as will follow the information I can give them. It would be very much for our interest if I could have some of the King of Spain's proclamations in Spanish, *etc.* Signed, Tho. Handasyd. *Endorsed*, R. Feb. 10. 2 pp. [C.O. 137, 51. No. 5.]

1704.
Sept. 18.
Barbadoes.

568. Governor Sir B. Granville to the Council of Trade and Plantations. I *enclose* the Minutes both of the Councill and Assembly down to this time, I shall not need therefore trouble your Lordships with enlarging on the publick transactions here, all things relating to them being soe fully expressed therein. At my arrival I found the administration of this Government in the hands of a President and Councill, they divided into parties as well as the Assembly and rest of the people employed in quarreling and tearing one another to peices, leaving the fortifications to goe to ruin and a generall neglect of the publick interest. I spent a year in endeavouring to bring them to reason by fair means, but that failing I made use of the authority H.M. had put into my hands, and by making examples of the ringleaders, both in the Councill and Assembly, I have at last brought matters to a good settlement, with a prospect of having it every day grow better. The severall steps I have taken with the occasions of them, my reasons for so doing and the consequences they have had, your Lordships will find in the Minutes I now send, and though the present Assembly has not satt long enough to bring any material matters to perfection, by what they have done they show an inclination to do their duty, and I believe will continue to doe soe. I can't but observe that the rise of all divisions and factions in this country have been under the administration of the government by ye President and Councill, and that it has been then that the severall Acts have passed which have lessened the Queen's authority, and made the dependance upon that almost useless. This may recommend it to your Lordships' consideration, whether it may not be necessary that either H.M. appoint a Lieutenant Governour or give power to the Governour so to doe, in case of his absence or sickness. The Councill being by the death of Mr. Callow reduced under 7, I did according to my Instructions fill it up, by swearing in Col. James Colleton, a person in the first rank in this Island, that has for many years exercised the cheif posts, of known integrity and considerable fortune. I have great reason to complain of Capt. Samuel Martin, H.M.S. *Blackwall*, who has behaved himself with great ill manners as well as disobedience to me, contrary to ye express words of my Lord High Admiral's patent to me, the enclosed depositions show that he has prest men in Road here without having any authority from me so to doe, and as by the letter under his hand appears, has refused to deliver them baek, notwithstanding I sent him an order in writing so to doe. His continual lying on shore when in harbour has occasioned great neglect, sickness and desertion in his ship. When I have told him of it, his answer was that he being Commander in Cheif of H.M. ships, he was thereby entitled to lye on shore, and not to be controuled by me in that matter. I did by a letter from my Lord Nottingham, in Oct. last, receive orders to keep the 3 French prisoners (condemned at a Court Martial) in custody during the war, or till farther orders. The French have at this time many English prisoners at Martinique, and I believe I could make good use of these men in exchange

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for them. 'Tis said they have there upwards of 250, but being restrained by that order, I can not make steps in this matter till I have leave so to doe. This Island has not for 12 years past been so healthy as it has been of late, and it continues to be still. The French privateers infest very much our latitude and make many prizes. They are nimble saylers and the Queen's ships not able to come up with them, besides two doe not suffice to keep one always in ye latitude. In the Minutes of the Councill your Lordships will find entred the particulars as they have appeared to me in relation to the not sending an advice-boat when Commodore Walker's fleet was here. It appears to have been a generall neglect in all ye parts of the then Government. I will take care none such shall happen during my time. Upwards of 50 sail of merchant men sail with this convoy for England, besides what are to joyn them at ye Leeward Islands. *Signed*, Bevill Granville. *Endorsed*, Recd. Jan. 2, Read Feb. 5, 170 $\frac{1}{2}$. 3 pp. *Enclosed*,

568. i. Governor Sir B. Granville to Capt. Martin. Capt. Wm. Ackland, of the *Industry*, and Capt. Wm. Cogan, merchant, having complained that you have pressed 7 men belonging to said ship, and that she will thereby be detained in her voyage *etc.*, without my authority, I order that you immediately return them, as also his apprentice to Capt. Thomas Robinson, that you still detain contrary to my order. Sept. 9, 1704. *Signed*, Bevill Granville. *Endorsed*, Recd. Jan. 2, 170 $\frac{1}{2}$. *Copy*. 1 p.

568. ii. Capt. Martin to Governor Sir B. Granville. Seven is more by three than Capt. Ackland can have any pretence to *etc.* My Lord High Admiral's last orders makes me (I think) independant to any order from your Excellency. . . . I can't comply with your orders for discharging so many men when the service so much wants them and it does not correspond with H.R.H. orders *etc.* Sept. 11, 1704. *Signed*, Saml. Martin. *Addressed*. *Same endorsement*. 1 p.

568. iii. Duplicate of preceding.

568. iv. Deposition of Capt. Ackland, Sept. 13, 1704, as to Capt. Martin pressing his men and refusing to deliver them on the Governor's order. *Signed*, Wm. Ackland. *Same endorsement*. *Copy*. 1 $\frac{1}{2}$ pp.

568. v. Duplicate of preceding.

568. vi. Deposition of Capt. Robinson, of the *Friendship*. Capt. Martin pressed two of his men, one of whom was an apprentice, and refused to deliver him up. *Signed*, Thomas Robinson. *Same endorsement*. 1 p.

568. vii. Duplicate of preceding.

568. viii. Deposition of A. Skene. On Sept. 18, 1704, Capt. Martin refused to deliver up to the Governor's Order, Thomas Maycock, Wm. Terrill and John Curle, who were fled from Justice. Capt. Martin said H.E. had no power to command him, and hoped that if ever he

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came to Barbados again, it would be to carry the Governor home prisoner *etc.* *Signed*, Alexander Skene. *Same endorsement.* 1½ pp.

568. ix. Deposition of G. Hay, Deputy Provost Marshall. *To the same effect as preceding.* The warrants were read, but no regard paid thereto. *Signed*, Georg Hay. *Same endorsement.* 2 pp. [C.O. 28, 7. Nos. 46, 46.i.-vii; and (without enclosures) 29, 9. pp. 133-142.]

Sept. 18.
Barbados.

569. Governor Sir B. Granville to Sir Charles Hedges. My Lord Nottingham, Oct. 28, 1703, commanded me to keep in custody three French prisoners *etc.* It has happen'd since that the French of Martinique have taken abundance of English prisoners, and use very severely those particularly that belong to this Island upon that account. I beleive I could make good use of these men towards the release of the English prisoners wch. are at Martinique and amount to 250 might I have leave so to doe, *etc.* The French privateers have don us much mischief by taking very many prizes, they are nimble sailors and H.M. ships cannot come up with them, neither does two suffice, to have allwaies one in the Latitude. The two French men of war that were sometime agoe at Martinique I hear are gon down on the coast of Spanish America. This comes in the fleet wch. will consist in about 50 sail of merchantmen from this Island, besides what are to joyn them at the Leeward Islands. *Signed*, Bevill Granville. *Endorsed*, R. March 15, [1705]. *Holograph.* 2 pp. [C.O. 28, 38. No. 25; and (duplicate) No. 26.]

Sept. 20.
Cockpitt.

570. Mr. Secretary Hedges to the Council of Trade and Plantations. The enclosed Petition having been laid before the Queen, you are to examine the allegations thereof, and to report how you find the same, together with your opinion what is fit for H.M. to do therein. *Signed*, C. Hedges. *Endorsed*, Reed. Read Sept. 26, 1704. 1 p. *Enclosed*,

570. i. Address of [7 *Members of*] the Assembly of Barbados to the Queen. For several years passed petitioners have inhabited Barbados and faithfully discharged many considerable offices, both military and civill therein, and have continually to the utmost of their power upheld and supported the high honour, prerogative, *etc.* of your royal predecessors and of your Majesty, and upon all occasions so dutifully demeaned themselves, that they have merited the favour and good opinion of all such persons as have been hitherto constituted Governors *etc.* But we are now constrained by necessity of our fidelity and conscience for the publick good of this Island to complaine, and lay at your Majesty's feet several notable and grievous offences lately committed within this Island by your Majesty's Governor Sir B. Granville, to the great oppression, prejudice and hardship of many of your Majesty's loyall and dutifull subjects of this

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Island, and tends to the misusing, altering and subverting your Majesty's laws, to the great decay and ruine of this your Majesty's Island. (1) The Militia have been lately commanded upon duty in the several forts and fortifications, and upon the mountains by him, contrary to the laws and statutes of the said Island, and without the advice, consent and approbation of your Majesty's Council first had therein according to the directions of the Act of Militia, which have very much fatigued the inhabitants, especially the poorer sort, so that many of them are reduced to great hardships and want, which is also declared in the preamble of the *Act for the security of the bayes, townes and sea coasts, etc.*, which was brought into the House of Assembly by a certain Member thereof, who declared that there was no other or better way of giving the Governor mony then by such a law, since the Assembly was restrained from making presents by your Majesty's letter. The illegall and unusuall methods of commanding the inhabitants upon duty as guards, we have had good reason to beleive have been used on purpose to introduce the aforesaid Bill, thereby giving power to the Governor to raise by commission two companies of Granadeers constantly to remain in the forts and fortifications, under certain allowances and pay, which would not only prove destructive to the Militia, but be a means to evade your Majesties command restraining the Governor's receiving presents, for the charges of the two companies will stand the country in at least 9,000*l.* sterl. per annum, greatest part of which by the words of the Bill is to be paid into the hands of the Governor, or to whom he shall appoint, for the buying of provisions for the soldiers, by which means he will have an opportunity of gaining to himself at least 3,000*l.* sterl. in one year, by the large allowances made him, over and above what will purchase such provisions in times of the greatest scarcity, for which nor any part thereof is the Governor to be accountable in any manner whatever, which your petitioners and others have fully and plainly demonstrated in their arguments against the passing of the said Bill into a law, whereby the said Bill was by a majority of Members upon a third reading voted and carried in the negative, which have occasioned very great differences and devisions amongst your people moved and stirred by those adhering more to the Governor's private interest and advantage then to the publick good and welfare of this Island. Such is our misfortune in this case, that severall of the Members of the Assembly, who have voted against the Bill (and other inhabitants who are of the same opinion) are discharged from their respective offices and places of trust, and are unjustly charged by the

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Governor, and branded with charrecters of being factious and turbulent spirits, indeavouring thereby to alienate them from the affections of the people, tho' many of them have continued without blemish in their respective offices above 30 years, by which violent proceedings of displacing of severall Collonels, Lieut. Colonels and Majors, and other inferior officers of severall regiments of horse and foot without the consent of the Councill. or any just reasons, great confusion and disorders dayly happen, and your Majesties Island thereby exposed to great danger, if an enemy should attempt the same, there being by such removeall of officers scarce a compleat regiment in the Island. In the stead of such officers turned out of comission and abused in their reputations and good names, others are appointed without the advice and consent of your Majesties Councill, and such who are wholly devoted to the private ends and purposes of the Governor, many of them being unquallified and constituted contrary to law, unexperienced and of mean capacities and estates, and by the disposal of his favours and your Majesty's Commissions in this manner severall of the Members of the Assembly have been prevailed upon to alter their opinions of the aforesaid Bill, and having made some small alterations in the said Bill have brought it again into the House, (with the same advantages to the Governor as at first) and have been once passed in the affirmative by 12 of the 22 Members. Petitioners, who gave their votes in the negative to the Bill, consulting the severall freeholders of their parishes and many other judicious persons, found it the opinion of the generality of the people, that the Bill would prove destructive to the Militia and to the publick good, and a direct breach and evasion of your Majesty's gracious commands, and seeing many other indirect practices and unpresidentiaall proceedings in the Assembly for private and particular ends and purposes, and your petitioners finding noe other method to prevent the passing the said Bill and such practices and the ill consequences thereof, have thought fitt and advisable to absent themselves from the House, in hopes thereby the Governor would be moved to dissolve the House, that the inhabitants may have an opportunity of a new general and free election of Representatives, wherein they may choose more faithfull and discreet persons to serve your Majesty and the said Island, and that your Majesty may be acquainted with their proceedings in the said Assembly. The absence of petitioners from the House, and the differences of opinion therein, hath not proceeded from any disobedience or contempt to your Majesties laws, want of duty to your Majesty's Governor, or care and zeal for the publick good of this

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Island, nor from any factious, obstinate or turbulent spirits as hath been lately laid to their charge by the Governor in his speech to the Assembly, but wholly from the corrupt practices and private designs of those who we have too great reason to conclude have a greater regard to their private profit and interest, then to your Majesties service and the welfare and good government of this place. (2) Contrary to your Majesty's commands as to presents to Governors, the Governor has lately received from the Assembly 600*l.* and 500*l.* sterl. and soone after voting the first summe the Speaker of the Assembly acquainted the House that the Governor thanked them for the summe of 600*l.* voted, but he desired that there might be an alteration of the Minute made thereof in the books of the Assembly, for that it would thereby too plainly appeare to be a present, and accordingly to conceale the same from your Majesty's knowledge, and that he might not incur your Majesties displeasure in the receipt thereof, such indirect practices are used that there are noe Minutes regularly made and entred in the books of the Assembly for such particuliar summs, but verball orders were given to the Treasurer, Charles Thomas Esq. to make payment thereof, which he has accordingly done. (3) Contrary to your Majesties commands aforesaid, the Nation of the Jews in this Island have presented the Governor with the summe of 200*l.* sterl., and by him received, whereby they have many priviledges allowed them contrary to law, and severall other presents of considerable vallue, as plate, negroes, horses etc. have been received by him from private persons, especially from some of the natives of the Kingdom of Scotland and their particuliar friends, who by such means have been advanced to the greatest places of trust, profit and honour, civill and military in this Island (tho' many of them disaffected to the English nation and Government) and have thereby the command of severall fortifications, regiments and places of strength, and also have the custody and keeping of the cheifest of our Records, in the safety of which our whole interests and estates depends, which occasions great disattisfaction to many of your Majesties good subjects here, being informed from the publick prints and private letters from England, that the Scotts have refused the settlement and succession of that Crown farther then your present Majesty and your royall issue, so that if your Majesty (whom God long preserve) should depart this life without issue, the trust reposed here in the natives of that Kingdom may prove of fatall consequence to this your Majesties Island. (4) Notwithstanding your Majesties positive directions that there shall be but 300*l.* per annum, allowed for a House for the Governor's residence, yet

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such methods are contrived and used, that the house and buildings fitted up for H.E. will be an expense to this Island at least 600*l.* sterl. per annum, besides the loss of about 5,000*l.* sterl. being (as it is said) expended in buildings upon a peece of land rented of Thomas Pillgrim, for which the country hath no lease nor certainty of any time longer then three years, at the end of which, the said Pillgrim may take up his land (which is but 20 acres), and make the advantage of the buildings to himself. (5) Whereas your Majesty was pleased to constitute Robert Steward to be Register of the Court of Chancery here, Examiner thereof and Clarke of the Crowne, by collour of which patent he executes all those places by his severall Deputies, which is expressly against one of your Majesties Instructions, which directs the Commander in Cheife of this Island for the time being not to suffer any person to execute more Offices than one by deputy, and the said Steward notwithstanding he has the whole profit of such Offices continues one of the most considerable practicers of the Law in this Island, so that scarce any cause happens to be controverted either at the Common Law or in the Chancery wherein the said Steward does not draw, prosecute, defend and plead either for the plantife or defendant, which is expressly against the practice and rules of law and equity in England, and he is so far countenanced therein, that in Dec. he appeared in a Court of Oyer and Terminer in five severall cases, wherein your Majesty was concerned in prosecuting severall persons by way of indictment, and Steward, moved to quash such indictments, which were drawne by his own Deputy, and Steward have rented out the Office of Clark of the Crowne for 100*l.* sterl. per annum, and for the better securing the same, have taken severall judgments of 100*l.* each with security for payment thereof, which are for seven severall years, all which practices tends to the perverting of Justice, a scandall to the severall Courts, and by that means no suitor can be safe in their persons or estates. (6) Severall new and unheard of methods are lately introduced into the Courts and Offices, by means whereof severall summs of mony have been extorted, and in particular no masters of vessell (tho' whole fleets of ships are bound away from hence) can have liberty to sayle either with or without convoy, without petitioning the Governor for leave, for which petition and order thereon 17*s.* 6*d.* is extorted and paid to the Secretary of this Island, but for whose and what use the Secretary himself is best able to relate. (7) Notwithstanding it is your Majesties positive instructions, that none of the Judges, Assistants, Justices of the Peace, or other Officers shall be displaced without good and sufficient reason, yet

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severall persons have been discharged by the Governor without any reason, and severall put into Commission without the consent of your Majesties Councill. (8) William Holder has lately been constituted Cheiffe Judge of the cheiffest Court of Common Pleas, vizt. for the precincts of St. Michael's, tho' he never was known to be of any Christian community, neither hath he yet been baptized, and was heretofore rejected for that reason, and he is by the Governor admitted to be Speaker of the Assembly. (9) Nicholas Paston, in behalf of himself and severall other poore people, petitioned the Governor against Col. John Holder of great hardships, severities and abuses to the inhabitants and soldiers under his command, which have been rejected, unheard and unredressed. *Pray* that H.M. will direct a Commission may be sent to some knowing, discrete and indifferent persons resideing in this Island, with full power to call before them all such persons, books and papers that can prove the matters hereby charged, and that such Commissioners may returne a particular account of their proceedings, and that in the mean time such orders may be sent to H.M. Governor that H.M. subjects here may enjoy the immunities and priviledges of H.M. laws, and not to suffer in their honors, persons and estates, against the known laws, as many of them have already done *etc.* *Signed*, Jon. Leslie, Tho. Maycock, Philip Kirton, Wm. Terrill, Chris. Estwicke, Enoch Gretton, Thos. Maxwell. 8 pp. [*C.O.* 28, 7. Nos. 47, 47.i.; and 29, 8. pp. 484-503.]

Sept. 20.
Whitehall.

571. Council of Trade and Plantations to the Queen. Having received a Petition from the Planters and most of the Merchants in England trading to Barbados together with a Memorial from the Royal African Company, and having heard the said persons thereupon, we humbly offer that there will be at least 20 vessells ready to saile to Barbados in Oct., besides severall others to the Leeward Islands, with utensills and goods necessary for the present supply of those Islands, provided they may be assured of convoy to be ready for them by that time, that 70 days after the arrival of the said merchant ships at Barbados they will be ready to return, with effects from that Island, as several ships will likewise be from divers of your Majesty's other Plantations upon notice that a convoy will at that time be ready to return; upon which considerations they humbly request that a convoy consisting of one 4th rate, and another smaller vessell be allowed them, the same to be ready by the latter end of Oct., and that two of the ships of war that are now upon the guard of that Island be ordered to returne with the said fleet and such ships as shall be ready from the other Colonies at the time beforementioned, that guard to be supplied by the two ships of war thus desired. We humbly take leave to add the opinion of Governor Sir B,

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Granville, that two convoys yearly are absolutely necessary for the supply and trade of that Island. [C.O. 29, 8. pp. 482, 483.]

Sept. 21. **572.** Order of Queen in Council. H.R.H. the Lord High
Hampton Admiral is to consider *preceding*, and to take such care therein
Court. as shall be found most convenient with regard to H.M. service.
Signed, John Povey. *Endorsed*, Recd. Read Oct. 3, 1704. $\frac{3}{4}$ p.
[C.O. 28, 7. No. 48; and 29, 9. pp. 49, 50.]

Sept. 21. **573.** Order of Queen in Council. Referring following petition
Hampton to the Council of Trade and Plantations for their report. *Signed*,
Court. John Povey. *Endorsed*, Recd. 23rd, Read 26th Sept., 1704.
 $\frac{3}{4}$ p. *Enclosed*,

573. i. George Lillington, Michael Terril, David Ramsay and Benjamin Cryer to the Queen. Petitioners for severall years past have had the honour to be of the Council in Barbados, in which, and in severall other considerable stations, they have served your Majesty and the late King faithfully and dilligently. H.E. Sir Bevill Granville procured a Bill to be brought into the Assembly in Nov. last for raising of standing forces in the said Island and for laying a heavy tax upon the inhabitants for maintaining them, which was then thrown out. Your Petitioners conceived that such a Bill would be a great prejudice to the Island for many reasons which they are ready humbly to offer to your Royall consideration, and found that thereby the Governor would have a certain Revenue of 3,000*l.* per annum, which they apprehend was contrary to your Majesty's directions, signified in May last, *etc.* For which reasons, Petitioners thought it their duty to oppose the passing the said Bill, whereby they incurred the displeasure of H.E., who was thereby provoked so much that in June last he was pleased to suspend your Petitioners from being of the Privy Council there. The pretended reasons assigned for suspending Lillington were, for encourageing faction, and that his name was mistaken in your Majesty's Instructions, and for suspending Terrill and Ramsay were for encourageing faction, and not attending in Council, and for suspending Cryer were for encourageing faction, for not attending as he ought in Council and for marrying without licence from H.E., whereas your Petitioners' loyalty and affection to your Majesty and your Government both here and there and their constant attendance in Council is too well known in the Island to be questioned, they having never been guilty of any disloyal or factious act, nor ever absented from the Council but in case of sickness or some other unavoidable necessity, nor were any of your Petitioners ever permitted to be heard touching the crimes alledged to be the cause of their suspension

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nor did they know they were charged with such crimes till after they were suspended. They are informed H.E. hath since nominated other persons to fill their places, and hath proposed them to your Majesty for your royal approbation, which will be construed as a mark of your displeasure to Petitioners, than which nothing can be more grievous to them, especially when it proceeds from accusations for crimes which they abhor etc. *Pray* to be heard as to the matters charged against them, and to be restored to their places, and that till such hearing your Majesty will not be pleased to confirme or approve the persons nominated by H.E. to sitt in Council in their places. *Signed*, Geo. Lillington, David Ramsay, Michl. Terrill, Ben. Cryer. *Copy*. 3 pp.

573. ii.-v. The answers of Lillington, Cryer, Terril and Ramsay to Governor Sir B. Granville's reasons for suspending them from the Council. June, 1704. [*See under* July 1st.] *Endorsed*, Recd. Read Sept. 26, 1704. 6½ pp. [*C.O.* 28, 7. *Nos.* 49, 49.i.-v.; and 29, 9. pp. 1-6; and (*duplicate of No. 1 only*) 28, 38. No. 27.]

Sept. 22. **574.** Jeronimy Clifford to the Council of Trade and Plantations. Fleet. Prays for a copy of a report upon his claim [*Feb.* 10 etc.] before the same is laid before H.M. *Signed*, Jer. Clifford. *Endorsed*, Recd. Sept. 23, Read Oct. 3, 1704. [*C.O.* 388, 75. No. 100; and 389, 36. pp. 219, 220.]

Sept. 22. **575.** W. Popple, jr., to Josiah Burchett. Whitehall. *Enquires* the number and rates of the ships of war that are now on the service of Barbados, the Leeward Islands and Jamaica. [*C.O.* 324, 9. p. 35.]

Sept. 25. **576.** Account of exports of Antigua, May 27-Sept. 25, 1704. Antigua. 53 vessels loading *Sugar* (1,166 hhds., 3,829 trs., 1,012 barrls. 1,661 hhns. *Cotton*, 494 bags. *Tobacco*, 112 bundles, *Ginger*, 1,979 bags. *Lignum Vitæ*, 1,425 logs, 46,000 pounds. *Rum*, 6 hhds. 37 trs. 55 barlls. etc. *Signed*, John Brett, Naval Officer. 1½ large pp. [*C.O.* 7, 1. No. 7.]

[Sept. 25.] **577.** Account of the imports of Antigua, June 6-Sept. 25. Antigua. 59 sloops etc. enumerated, chiefly from England, the American Continent and the West Indies; their cargoes described in general terms. *Signed*, John Brett, Naval Officer. 1 large p. [*C.O.* 7, 1. No. 6.]

Sept. 26. **578.** Council of Trade and Plantations to the Lord High Whitehall. Treasurer. *Recommend* petition of Wm. Popple for payment of balance of sums disbursed by him. *Annexed*,

578. i. Petition of William Popple to the Lord High Treasurer referred to in preceding. [*C.O.* 389, 36. pp. 212-218.]

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 Sept. 26. **579.** Geo. Clarke to Mr. Popple. *Gives names of ships attending the West Indies.* (1) Jamaica, *Nonsuch, Guernsey, Mermaide, Deale Castle, St. Antonio* sloop, *Harman and Earle*, fireships, *Leves hulke*. (2) Barbados, *Warwick, Winchelsea*. (3) Leeward Islands, *Lynn, Margate*. Recd. Read Oct. 3, 1704. $\frac{1}{2}$ p. [*C.O.* 323, 5. No. 62; and 324, 9. p. 36.]
- Sept. 28. **580.** Sir C. Hedges to Governor Sir B. Granville. *Encloses* letter from the Commissioners for the exchange of prisoners, showing the method it is done in these parts. You are to put the same rules in execution, as far as is consistent with H.M. service, and let me know what objections you have *etc.* *Acknowledges* letter of July 2. I wish you could find a way to rid yourself of the French privateers *etc.* *Signed, C. Hedges Annexed,*
 580. i. Commissioners for exchange of prisoners to Mr. Secretary Hedges. Sick and Wounded Office, Sept. 28, 1704. *See preceding.* [*C.O.* 324, 30. pp. 7-10.]
- Sept. 28. **581.** Similar letter to Governor Handasyd. *Concludes:* The fleet that sailed from Port Royal, July 11, is lately arrived safe. H.M. commands me to recommend William Wanlesse for a Captain's Commission in a regiment under your command. *etc.* *Signed, C. Hedges.* [*C.O.* 324, 30. pp. 11, 12.]
- Sept. 28. **582.** Similar letter to Governor Sir W. Matthew. P.S. You will give me leave to put you in mind of your promise to me in relation to Mr. Larkin's widow. *Signed, C. Hedges.* [*C.O.* 324, 30. pp. 12, 13.]
- Sept. 28. **583.** Similar letter to Lt. Governor Bennett. *Concludes:*—Your petition to H.M. for Capt. Lancelot Sandys' Company has been effectually answered, H.M. having been pleased to give you that Commission. [*C.O.* 324, 30. pp. 13, 14.]
- Sept. 28. **584.** Extract of letter from Governor Sir W. Mathew to his Agent, Mr. Barwick. I desire your care in receiving sixty carriages from the Ordnance. I have wrote to Mr. Blathwait our great want of six mortars with bombs, as also 30 cannon of 18lb. They shall be mounted at the country's charge, save the carriages for the mortars. If they are of 50lb. shell they are large enough: four master-gunners we much want also. Do not forget to apply to the Bishop of London for Ministers. I have wrote to his Lordship for six. My Lords Treasurer and Chamberlain signed an order for furniture for a Chappell, pray demand the same *etc.* The seal of the Island is much wanted alsoe. *Endorsed, Recd.* Read Jan. 9, 1705. 1 p. [*C.O.* 152, 6. No. 1; and 153, 9. pp. 71, 72.]
- Sept. 29. **585.** Governor Seymour to the Council of Trade and Maryland. Plantations. I take this occasion by Capt. George Rogers in H.M.S. *Gosport* (who expects to be joined by Capt. Smith in the *Jersey* from Boston, and about Oct. 8 next to sail for England,

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having promised to take under his care and convoy what ships can be got ready to sail by that time as well from Virginia as this Province) to transmit to your Hon. Board Laws, Journals *etc.* The General Assembly by writs issued since my arrivall, met here the 5th inst., and pursuant to H.M. Instructions H.M. Council and myself having perused, well considered and observed many of the Laws to be ill worded, and insufficient to effect what thereby was intended, and otherwise very irregular and not consonant to H.M. Instructions, this present Sessions is now busied in the revising and re-enacting the whole anew, which I hope will be very speedily and happily effected, and then will take care that by the very first conveyance they shall together with the Journals of the Council and Assembly of this Sessions be transmitted to your Lordships for your better consideration. In St. Marys and Charles Countys, being the Southwest parts and where the Lord Baltimore's seate of Government was, are near 600 or 700 papists, the chiefe whereof are his Lordship's relations and Agents, and they being continually supplied from Europe with Jesuits (who have houses and lands of great value sett apart for their mayntenance here) have now not less than ten of that sorte among them, who use all their slye and assiduous endeavours to promote their superstition, run about the country, make proselites and amuse dying persons with threats of damnation *etc.*, and thereby give greate offence and scandall to H.M. Governmt. here; so that two of the chiefe of them were presented lately at St. Marys County Court, William Hunter for consecrating a popish Chappel, and Robert Brooke for saying Mass publicly at the city of St. Marys in the Chappel when ye County Court were sitting there, upon which occasion I had the advice of H.M. Council here, and it being thought by some, that if the said priests shou'd be prosecuted at the Provincial Court, it might be disputed how far any penal statute of England not expressly naming the Plantations would extend hither; it was resolved least a Jury might mistake and acquit them, and so give them occasion of triumphing, it wou'd be more advisable to summon them to the Council Board, where I severely reprimanded them. My Instructions in this point are different from what other Governors here have had, theirs being to admitt of liberty of conscience to all who behaved themselves so as to give no occasion of scandall or offence to the Governmt., but mine to all such but Papists, whom I take to be expressly excluded from that toleration, and thereupon with the advice of H.M. Council, have ordered their publique Chappel at St. Marys to be shut up, and shou'd be very glad to have your directions herein. These priests would not long continue here, were it not for the great encouragement that is given them by their disciples, especially the Lord Proprietor's relations, and his Agents, who are Irish Papists and by having the disposall of all lands in their hands, have such an ascendant over severall in this Province that thereby they are alsoe enabled to gaine many voices in ye General Assembly, who as well as others here are made senceible that such as favour Popery are likeliest to be ye kindest dealt by in grants of lands. Wee

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have another sorte of people called Quakers, who are fewer in number, but yet are offensive to H.M. subjects here, under ye pretence of Tolleration refusing to beare any share in the defence of the countrye, or to be any wise usefull in their Generation; and whilst they enjoy plentiful Fortunes sitt at home without ye least concerne of the publike safety or welfare. I am using my utmost endeavours for ye better regulating the Militia here, which is at present very ill disciplined, and whilst all others are called forth upon this occasion, these sorte of people are not in the least burthened by that or any other service, which divers persons who have no foundation or true sence of Religion (but of covetous humours and desiring their private ease) perceiving, have thereby been induced to profess themselves Quakers. These men enjoy the good of the Land, and though they seem not to think themselves concerned for ye defence and security thereof, yet I hope H.M. will direct how they may be made conformable to reason, and that they may bear a share in the Militia, otherwise it will cause many lukewarme Christians to declare themselves of that sect, with designe to excuse and avoyd that service. About Aug. 11, one Capn. Richard Johnson (who sayled out of this Province, being taken into Martinico by the French, and as he says very hardly used) being put on boarde a small barque of 70 tunns called *L'Ortolant*, Pierre Rolleau master, and bound for Old France, with the assistance of another English prisoner, had in the latitude of 30 and 40 minutes North latd., and in the longitude of 319 and 9 minutes surprized the said vessel, throwing the Commander overboarde and brought her with 8 Frenchmen into this Governmt., upon which the proceedings herewith inclosed were had. I hope you will approve what I have acted with integrity and upon ye best advice I could get. *Signed*, Jo. Seymour. *Endorsed*, Recd. Aug. 31, Read Oct. 16, 1705. 5 pp. *Enclosed*,

585. i. Minutes of Council of Maryland upon the case of the *L'Ortolan*. Sept. 9, 1704. *Endorsed as preceding*.

585. ii. Duplicate of preceding.

585. iii. Capt. Johnson's narrative of his seizure of the *Ortolan*. "The French Commander charged a pistoll and carried severall days in his pockett, the said Johnson being dayly in danger of his life, and very much abused and his country, being often telling him Englishmen did not know how to fight, resolved if pleased God to free himself, and on July 13 about tenn of the clock at night, rise, the Capt. falling overboard, command the rest of the French, and in two hours after gave them their liberty, being eight in number, he being only himself, his boy and one Englishman, then making the best of his way towards the Capes of Virginia on Aug. 6 arrived in the bay of Cheasopeak, and delivered the ship to the Governor of Maryland, and she was condemned as lawful prize at Annapolis. *Signed*, Richd. Johnson. *Endorsed as preceding*. 1 p. [*C.O.* 5, 715. Nos. 81, 81.i.-iii.; and (*duplicate of No. i.*) 5, 751. No. 55; and (*without enclosures*) 5, 726. pp. 313-317.]

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Maryland.

586. Governor Seymour to the Earl of Nottingham. *Acknowledges* Instructions relating to trade with New Spain and Prizes (*Feb. 16 and 18*). *Repeats* case of Capt. Johnson *above*. *Prays* for H.M. Instructions therein, for I am altogether a stranger to ye Court of Admiralty as well as the rights of H.R.H. *etc.*, but have taken the safest measures upon the best advice to have the produce of the said prize forthcoming, *etc.* *Repeats preceding*. *Signed*, Jo. Seymour. *Endorsed*, R. Sept. 1, 1705. 4 pp. *Enclosed*,

586. i. ii. Duplicates of *above* No. 1.

586. iii. Duplicate of No. iii.

586. iv. Duplicate of Letter. [*C.O.* 5, 721. *Nos.* 1, 1.i.-iv.]

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587. Expenses of the Commission for Trade and Plantations, Midsummer to Michaelmas, 1704. Petty Expenses, 19*l.* 0*s.* 10*d.*; Stationary, 19*l.* 4*s.* 7*d.*; Postage, 35*l.* 4*s.* 10*d.* *The whole endorsed*, Reed. Read Oct. 19, 1704. 3½ pp. [*C.O.* 388, 75. *Nos.* 101-103.]

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Barbados.

588. Governor Sir B. Granville to Sir Charles Hedges. The vessel that brings this is sent by the inhabitants who are much alarmed by the proceedings of Capt. Martin, H.M.S. *Blackwall*. They send complaints to lay before H.M. in relation to his behaviour, and as what he has done has been in opposition both to ye authority H.M. and H.R.H. have put into my hands, as well as to the established laws of this place, I beg that both ye Island and myself may have your protection. I have an account by some prisoners who made their escape lately from Martinique that 3 French men of war arrived there from Europe about six weeks since. There has bin this last year arrived at Martinique from France at about ye distance of every four moneths such a number of men of war; but they make no longer stay there then is necessary to refitt and to proceed for some ports of Spanish America; none of them has cruised in our parts as I can learn. The mischief that is done us is all by their small privateers. *Signed*, Bevill Granville. *Endorsed*, R. Jan. 2 [1705]. 1¾ pp. [*C.O.* 28, 38. *No.* 28; and 28, 43. *No.* 3.]

Sept. 29.

Barbados.

589. Governor Sir B. Granville to the Council of Trade and Plantations. Capt. Samuel Martin, H.M.S. *Blackwall*, having at his departure hence carryed off severall persons without a tickett contrary to the laws of this place, and committed several other extravagant and unwarrantable actions, the inhabitants have been so alarm'd at it, that the Council and Assembly applyed to me for leave to send an expresse boat to their Agents, giving an account of his whole proceeding, with directions to lay them before your Lordships, and to beg that such justice may be done upon Capt. Martin as may prevent any others from doing the like again. As they will enlarge on the whole matter, I will trouble your Lordships no further then in laying before you some papers which show the share I have had in his extravagancys; from them your Lordships will see the indignities he has offer'd to me and the characters I have the honour to bear, both under

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H.M. patent as Governour and H.R.H. as Vice Admirall. I make no doubt but that (being as I am under your Lordships' protection) I shall have exemplary satisfaction, which I doe humbly crave. Inclosed is a copy of my last sent by H.M.S. *Milford*, part of the convoy to the fleet, which sail'd from hence Sep. 18, but was not out of sight by reason of the calms they met with till Thursday, Sep. 21. *Repeats last part of preceding.* With this I send duplicates of the former Minutes of Council. *Signed*, Bevill Granville. *Endorsed*, Recd. Jan. 2, Read Feb. 5, 170 $\frac{1}{2}$. 2 pp. [C.O. 28, 7. No. 50; and 29, 9. pp. 143-145.]

Sept. 29. **590.** Governor Sir B. Granville to W. Popple. *Refers to*
 Barbados. *despatches* "sent by the fleet wch. sailed hence the 18th inst. and consisted in upwards of 50 sail of mercht. men besides what was to joyn them at the Leeward Islands" *etc.* *Signed*, Bevill Granville. *Endorsed*, Recd. Jan. 2, Read Feb. 5, 170 $\frac{1}{2}$. *Holograph.* 1 p. [C.O. 28, 7. No. 52; and 29, 9. p. 146.]

Sept. 29. **591.** J. Holder to M. Holder and Mr. Bromley. *Repeats*
 Barbados. *complaint* against Capt. Martin [*as above*] for carrying off several persons from the Island without tickets *etc.*, notably in the case of one Lee:—Mr. Slingsby, Clerk to the Bridge Court, for a considerable time past hath been complained of for having committed divers irregularities in the execution of his office. At length there was a petition lodged before the Judge, and an Order thereupon made that, about 5 days before the fleet sailed, the Petitioner accusing him of exorbitant crimes should be heard before the Judge and his assistants, but Slingsby by me made an interest with the Judge that, in regard the fleet was so speedily to sail, and that he was embarrassed with the publick and his private affairs, which required dispatch by the Fleet, as well as that he was served with the Order on the said petition but the day before, he might have any short day after the Fleet to answer, which was granted. But now all those proceedings are frustrated, for that one Mr. Lee, who was the only evidence that could prove the articles charged on Slingsby, by a politick contrivance was engaged in a broil, and the Lieutenant of Capt. St. Loe of the *Dolphin*, with some seamen attending him, siezed Lee and hurried him on board, where for several days he was detained, and though divers applications have been made to this imitator of Martin, and particularly by my Uncle Holder, not only as the Judge wherein Lee was to have proved matters for H.M. service, but also as Speaker of the Assembly, nothing could prevail, for that he had for 100*l.* undertaken it. If the interest of our friends don't remedy these exorbitancies, we must of necessity desert a country which neither affords us security for our persons or estates *etc.* *Signed*, J. Holder. *Endorsed*, Recd. Read Jan. 26, 170 $\frac{1}{2}$. 7 $\frac{1}{2}$ pp. [C.O. 28, 7. No. 51.]

Oct. 2. **592.** Governor Sir W. Mathew to the Council of Trade and
 St. Plantations. By the fleet bound home I send the Acts passed
 Christophers. in St. Christophers and humbly pray your Lordships will please

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to recommend them for H.M. royal approbation. Some others are passed but not remitted from Windward, by what mistake I cannot yet learn, no more then that the state of those Islands are not sent pursuant to my orders, of all which due enquiry shall be made and the speediest account sent. The Barbadoes Fleet not touching at Antigua, and Mountserratt being the windwardmost Islands has occasioned the losse of some days sailing to the whole fleet, whereas they might have taken all in their way and saved the taking of three vessells by the enemy, two whereof by great chance, I am just now informed, are retaken and the third the enemy were obliged to quit and burned. I have vissited all the Islands, which are very healthy, but the number of inhabitants very small, if some way could be found out for the better peopling them, do humbly conceive H.M. Revenue would thereby be considerably increased as well as her Colonies better secured. *Refers* to the great want the Islands are in of cannon fitt to protect the shipping, all our Roads on the three Leeward Islands lying open and exposed, if the want of mortars and bombs could be supplied by your Lordships means, it would be great peice of service. The enemy have lately fitted out 15 privateers one of which of 14 gunns the *Lynn*, man of war, has taken, having 70 men on board, the greatest part are sent home by this Fleet. *Signed*, Will. Mathew. *Endorsed*, Reed. 4th, Read 12th Dec. 1704. *Holograph*. 4 pp. [C.O. 152, 5. No. 81; and 153, 9. pp. 54-56.]

Oct. 3. **593.** W. Popple, jr., to Mr. Clifford. The Council of Trade
Whitehall. and Plantations grant your petition of Sept. 22. The report is not yet made. [C.O. 389, 36. p. 221.]

[Oct. 3.] **594.** Nathaniel Cary to the Council of Trade and Plantations. The Governor, Council and Assembly of the Massachusetts Bay commissioned me to bring their Addresses and letters to England. On my voyage hither in the *Seaflower* we were taken by the French and carried prisoners to Brest, but I threw all my papers overboard. Two of the particulars of the greatest importance in the said Addresses were (1) to have great guns, arms and ammunition to defend themselves and insult the Indians, who make frequent incursions into our frontiers; (2) to have permission for the Governor to send one or more 4th. rate ships for a winter convoy to secure our salt ships and other ships trading to and from the Province. There is one of the best fortifications in America built at Boston, and besides those already there, it will be necessary to have at least 20 great guns, and less than 50 barrels of gunpowder with arms and other ammunition proportionable will not be sufficient to supply the present exigencies. *Prays for a favourable Representation. Refers* to the trials of Capt. Quelch and Larimore, and Lt. Wells. [See July 13.] The two latter, committed as accessories, were put on board the sloop, with four witnesses, under my care, to be tried in England. Larimore and Wells were taken and carried into France, but are

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now arrived in England and two of the witnesses. *Signed*, Nathl. Cary. *Endorsed*, Recd. Read Oct. 3, 1704. $1\frac{3}{4}$ pp. *Enclosed*, 594. i. Governor Dudley's Instructions to Mr. Cary as messenger. Boston, July 20, 1704. *Copy*. $1\frac{3}{4}$ pp. [*C.O.* 5, 863. Nos. 117, 117.i.; and 5, 911. pp. 389-393.]

[Oct. 5.] **595.** Copy of an Act for the security of the bays, towns, and sea-coasts of Barbados *etc.* *Endorsed*, Recd. 5th, Read 13th Oct. 1704. $9\frac{1}{2}$ *closely written pp.* [*C.O.* 28, 7. No. 55.]

Oct. 7. **596.** Mr. Jackson to Sir Charles Hedges. *Refers* to revolt of the garrison [see Dec. 23, 1704]. I have wrote to your Honour these two years past, giving an account of all transactions, but such was the guilt and jealousy of our officers in this place, that they have intercepted my letters and stopt me from revealing the truth. *Encloses* an account of the Church for the Bishop of London, *etc.* *Signed*, John Jackson, Minister. *Endorsed*, R. Dec. 22. *Addressed. Holograph.* $1\frac{3}{4}$ pp. *Enclosed*, 596. i. Petition of the Company of Soldiers at St. Johns to Commodore Bridge[s] Aug. 10, 1704. No recruits coming over to relieve us from this slavish service, we perceive we are trickt and put upon without any consideration of our miserable condition. We are too sensible of Capt. Lloyd's fraud, cheating, ill usage of us, and of his inhumane practices over us, and will no longer live under his tyranny, but will desert the Fort and service, if he must continue to command us. *Pray* Capt. Bridge to suspend Lloyd, place Lt. Moody in command and present their petition to be relieved to H.M. 37 *signatures.* 1 p.
 596. ii. Soldiers at St. John's to Commodore Bridges. Complain of Capt. Lloyd's extortion. *No signatures.* $1\frac{3}{4}$ pp.
 596. iii. Masters of ships and Inhabitants of Newfoundland to Commodore Bridge. *Similar* to Dec. 23. No. iii. 25 *signatures.* 1 p.
 596. iv. *Duplicate* of Dec. 29. No. iii.
 596. v. *Duplicate* of Dec. 23. Nos. i., ii.
 596. vi. Muster-roll of the Company at St. Johns. 1 p.
 596. vii. Lt. Moody's reason for signing the soldiers' petition. I thought, with Capt. Bridge, that my doing so might hinder them from deserting. *Signed*, Jno. Moody. $\frac{3}{4}$ p.
 596. viii. Copies of the Examinations of Laville and Belrose, deserters from Placentia [see Oct. 25, 1703], and of the reports of spies from Placentia, and of the French prisoners Dutilly, La Richardierne and Jean Lanvaux *etc. etc.* [See under May 13 and Oct. 10.] $33\frac{1}{2}$ pp. [*C.O.* 194, 22. Nos. 9, 9.i.-viii.]

Oct. 7. **597.** Mr. Addington to Wm. Popple. *Encloses* Acts, Sessional Papers, and following. *Signed*, Is. Addington. *Endorsed*, Recd. Dec. 23, Read Jan. 31, 1704 $\frac{1}{2}$. 1 p. *Enclosed*,

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597. i. List of fines and forfeitures in New Hampshire, Dec. 1695–Dec. 1702. 21 of the 50 cases are fines (2*l.* 10*s.*) upon women for fornication and bastardy. Other offences include stealing, fighting, abusing the Court, thrashing the Constable, perjury, excessive drinking, quarreling etc. *Endorsed*, Recd. Dec. 23, 1704. 3 *pp.*
597. i.-xvi. Lists of cases tried in the several Courts of Judicature in the Massachusetts Bay. 1703, 1704. *Endorsed as preceding*. 32 *pp.* [*C.O.* 5, 863. *Nos.* 119, 119.i.-xvi.; and (without enclosures) 5, 911. *pp.* 444–447.]

Oct. 10. **598.** Capt. John Moody to the Council of Trade and
 Fort William in St. John's Harbour in Newfoundland. Plantations. On Sept. 12, Capt. Thomas Lloyd was suspended from the command of H.M. garrison and soldiers by Commadore Bridge, occasioned by a Petition from the soldiers complaining of abuses, and it has been the Commadore's pleasure to appoint me, being the next officer, to command H.M. garrison, till H.M. pleasure be farther known, and I have likewise sent your Lordships enclosed the depositions of seven French deserters from Placentia, thirty more being dayly expected. *Signed*, John Moody. *Endorsed*, Recd. Nov. 16. $\frac{3}{4}$ *p.* *Enclosed*,

598. i. Deposition of John Moine, late Serjeant, native of France, who on Sep. 23 last deserted from Placentia. There is in the garrison about 150 soldiers in three Companies, but in great discontent for want of their pay, and severall more are on the rode hither. In the lower Fort there are 6 gunns of 36 pounds, and 6 of 24 pounds, and 24 of 18. Against the sea, the fort is sod work, and towards the land only palasados. In the fort on top of the hill there are 10 gunns whereof 6 are of 18lb., and 2 of 12, and 2 mortars of 150lb. weight each. The fort is of stone, but not well built; the walls are about 14 foot high and palasadod round, the which palasados on the land side at severall places are near 50 foot from the walk, but on the side next the sea not passing 10 foot distant. The cause of their deserting was the hard usage and severe treatment that they had from ye Governour, who debarr'd them from their pay etc. His severity did not only extend to them, but also to the inhabitants, many of whom, if they could get their families from thence, would likewise come away. 10 other deserters confirmed the above. 1 *p.* [*C.O.* 194, 3. *Nos.* 29, 29.i.; and 195, 3. *pp.* 344–347.]

Oct. 10. **599.** Lt. Governor Evans to the Council of Trade and
 Philad. in ye Province of Pennsylvania. Plantations. I hope mine of May 28 is long since with your Lordships, with a copy of a Proclamation for the settling a Militia throughout this Government, there was a mistake in it (which I crave leave of your Lordships to sett aright) that being made general for the whole Government of Province and Territories, whereas there was one issued out for each, the reason was that

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in the Province those called Quakers are very numerous, and there being no law to enforce them to that service obliged me to insert a clause in the Proclamation for the Province, that "all persons residing in this Province whose perswasions will on any account permit them to take up arms in their own defence that forthwith" *etc.* In that for the Three Lower Counties that clause is left out, the number of those people being inconsiderable there. My only end in this, as in all other things, is the service and safety of H.M. Province, and tho' in many cases one cannot arrive to so great a length and perfection as might be wish'd, yet I shall endeavour to make all possible advances towards it, and not by attempting impossibilities render what may in some measure be of good service wholly ineffectual. I have likewise sent to your Lordships a copy of a Proclamation for the encouragement of those who have taken up arms for the defence of the country, by exempting them from the common services of the wards, which has been of singular good effect, and will I hope generally be thought but reasonable, that those who have voluntarily enter'd into and inlisted themselves in that service, without any consideration for their time and attendance, should be encouraged by all reasonable and lawfull means. I shall give your Lordships an account of the Proceedings with the Assembly here in pursuance of H.M. commands, in relation to the Quota for the Northern frontiers *etc.*, which tho' they have failed in their present effect will I hope demonstrate I have not fail'd in my duty and utmost obedience to H.M. commands. In the first place I told them that they must needs think that H.M. expected that while all the rest of her subjects everywhere chearfully contributed to the great and necessary expences of her happy Govt., they would with no less alacrity concur to advance what either the exigencies of our own Govt. or our neighbours (when the charge and care is thought of equall advantage to us with our own) may reasonably require, and particularly, that it was expected of them to find a way with all speed to present H.M. with the summe mentioned in the late King's letter to help towards the defraying such charges as the Govt. of New York is necessarily oblig'd to bear for our common interest and safety. Some time after the Assembly by a message to me desired I would lay before them such orders as had come to my hands concerning the money required to be advanced for the assistance of New York, upon which I sent them a copy of the late King's letter to my Lord Bellamont, Jan. 19, 1700, and a letter from H.E. my Lord Cornbury to my predecessor Col. Hamilton, Nov. 19, 1702, and a letter from your Lordships to our Proprietor, May 21, 1703, and one of H.E. my Lord Cornbury to me, dated Aprill 15 last. To all which I received in answer, that as to the expectations of presenting the Queen with the summe mentioned in ye late King's letter, they refer'd to the former Assembly's answer thereto, which they hoped was so represented at home, that they should not be justly blamed for not raising money at that time for that service, since they had their own back settlements to secure, and their Friend Indians to ingage.

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This answer no waies satisfactory to me for many reasons, as your Lordships will see, caus'd me as fully as I could possible to lay the matter before them and to press it home to them, the substance of which I shall trouble your Lordships to read over. That I found myself under an unavoidable necessity of letting them know, that I could not take as satisfactory their answer to the Queen's expectations, the former answer of the Assembly, to which this now refers, pleads reasons, the edge of which the space of almost three years has wore off, and that Address requests ye Proprietary that the further consideration of the King's letter may be refer'd to another Meeting of Assembly, or untill more emergent occasions shall require their proceedings therein, so that the very Address refer'd to turns it now upon this Assembly ; those demands not being answer'd by any of the foregoing ; and for emergent occasions there mentioned, it could be wished that there were none so urgent as a dangerous warr broke out since that time affords us, besides the Queen's further injunctions still pressing it, from which injunctions tis also evident, that no representation the Proprietor has made of that affair, has been sufficient to secure this Province from blame upon their former failure, seeing they are again pressingly urg'd to it by the Queen's own commands above 14 months after her happy accession to the throne. It is undoubtedly true that the Government of New York lies much exposed to the attacks of ye enemy, that their strength and defence tends to our security, and that the Governments to the Eastward are very deeply engaged in defences of their own, which also makes for the common safety, while we of this place whose lives and fortunes ought to be equally dear to us, have enjoyed peace and tranquility without contributing anything considerable in comparison to others towards the obtaining it, and whatever our neighbours shall find themselves obliged to doe for their own safety, yet if we appear resolved to give them no encouragement, we shall have little reason to blame them, if when they have opportunities, as they frequently may, they fail to extend their regards to our welfare as concerned in the publick good, seeing we contribute nothing to the publick charge, nor can we ever expect to recommend ourselves to the protection of the Queen, while we shew no more respect to her desires of that kind, that either from herself or Royal predecessors have soe rarely reached us. These or the like reasons I told them I was credibly informed have so far prevailed on the Government of Maryland, as that they have raised a good part of what was required of them for this service, notwithstanding they ly much more secure and out of danger, nor could I believe that this can clash with the religious perswasions of any man, seeing there are many other vast charges besides the actual making of war, and this is not required for carrying on of any war as in the Acts of Parliament in England in such cases is always mentioned, and yet is there comply'd with to a very high proportion of their estates by all persons whatsoever without objection on this score. Here the Queen only demands such a summ, which common reason will tell us is exceedingly necessary

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for the publick good and safety of all the adjacent parts, and as it is absolutely necessary that funds should be raised for the support of Government and answering publick exigencies, so if they be made proportionable to those exigencies of which this is a very great one, I should faithfully take care that they should all to the utmost of my power and this among the rest, be duely answer'd. This is in effect what I urgently press'd to our Assembly touching the Quota, but other matters being introduced and insisted upon by them, as that of divesting the Governor of the power of Prorogation and Dissolution, a point not to be given up by Government on any account whatever (witness the marks yet too visible of that fatal concession, made in the time of H.M. royall Grandfather) occasioned the breaking up the Assembly without doing anything to supply even the pressing necessities of the Government. We shall have another Assembly here the 14th inst., to whom I shall continue to press the matter, and shall give your Lordships an account of my success.
Signed, John Evans. Endorsed, Recd. 2nd, Read Jan. 19th, 1704.
 14 small pp. *Enclosed,*

599. i. Copy of Proclamation. *Duplicate of No. 359.i.*

599. ii. Copy of Proclamation by Lt.-Gov. Evans. All persons who inlist in the Militia and duly perform their services, shall be exempted from serving on the watch, or as constables within any of the districts of this Province, etc. Philadelphia, July 18, 1704. *Same endorsement.*
 1 large p. [*C.O. 5, 1263. Nos. 4, 5, 5.i.; and (without enclosures) 5, 1291. pp. 91-102.*]

Oct. 10.
 Boston.

600. Governor Dudley to the Council of Trade and Plantations. My last addresses to your Lordships were by Capt. Cary an expresse sloop, having no other conveyance. I have covered a copy of that letter, and the *Gospir* being now bound home, I humbly acquaint your Lordships that the fort at New Castle in Pascataqua River, by the diligence of Col. Romer, is now almost finished, and put into a very good state by the expence of the 500*l.* tax raised for that purpose, and about 1,000*l.* in labour of the inhabitants, whom I have imployed, every fighting man upon the list for twelve days this summer, of which I hope they will not complain, it being so expressly H.M. command to have those fortifications reformed and fitted, and I had no other means to bring it to passe, the Assembly being not to be farther perswaded to raise more by a tax, and truly that little Province scarce able to raise more during the troubles with the Indians, to whom they are next neighbours, which demands every fifth man upon duty constantly. Since the publication of the repeal of the two Acts of Assembly referring to town bounds and grants in New Hampshire, by H.M. especial direction, which dureing my being in that Province I made publique in the Assembly and in every towne, there happen'd a riot of about 20 young fellows in the towne of Hampton, who pulled down the fence of an inclosure belonging to an inhabitant of that town, which though it do's not at all affect Col. Allin's right of proprietorship,

Wt. 2710.

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the said inhabitant not being his submitted tenant, yet I expected the next thing of that sort might so doe. I wrote earnestly to Lieutenant Governour Usher to proceed severely therein, which he might have done in Council, by virtue of the Commission of Government, but he chose rather to bind them over to the Superior Court, which happening in the time of the Generall Assembly I was present in the Province, and strictly required the Judges in council to take care of the processe, and aggravated the fault to them both by the extraordinary number of the riotors, and the time of warr it had happened in, as the Minutes of the Council inclosed will shew. Notwithstanding all which, it was not possible, as the Judges acquaint me, to procure the Jury to find the persons guilty, of which I have taken all the proper notice the power vested in the Government will allow, which I hope will prevent the like for the future. Col. Allin had at the same Court anew entered a Triall with Richard Waldron, which was then agreed by both parties to be a full tryal to effect, at the next Terme, which is in Feb. Col. Allin hath been so long, as well as his predecessors, delayed, that he at first was impatient of the imparlance, but after consented to it; and I have assured him, if my life will allow, I will be present to see the Queen's commands obeyed, that all things be specially found. I am sorry I cannot influence that matter to a present agreement, but am very senceible if judgment be once made by H.M. in Council against one of the Ter-tenants of any value, the whole province will immediately submit, and I may not passe the formes of Law in favour of Col. Allin, least he loose his cause at home, as he hath done already, nor can I alter any of the Judges unless upon a plaine breach and injustice, as H.M. Instructions command me.

In the Massachusetts the castle is in perfect good forme, and is not inferiour to any of H.M. newest fortifications in England, and I humbly hope your Lordships will obtain the cannon for this and the fortification at Pascataqua humbly represented necessary upon the several planns sent home by Capt. Cary. Your Lordships had by the last conveyance the Act of Assembly for the graunting 23,000*l.* for this year for the support of the warr, which will not amount to the charges; however I doubt not of the Assembly's concurrence in raising the next year what is necessary, being perfectly satisfyed in the disburse thereof, nor have they once doubted of a concurrence with me in raising any numbers for the service, though the number of near 2,000 is very hard upon them, when Road Island and Connecticut doe what they please, besides that they entertaine the deserters from this Province, though we have a severe Law that every person leaving the Colony in the time of war shall loose his interest. I am senceible that the Indians perceiving our constant marches in the woods at a great distance have left all their planting grounds within 100 miles of us, to secure their women and children, but will yet continue their marches upon us. We have lost nothing to the enemy this summer. The French and Indians to the number of 500 marched from Mount Real to Hadley, on our Western bounds, and found there so great a number in garrison

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that they left the place and marched 100 miles to the Northward to Lancaster, where I chanced also to be ready for them, and after a furious assault upon the village, left 10 or 12 dead and fled, and are since marched home, with the triumph only of three children carried away. Since my last the forces and vessells I sent Eastward into Nova Scotia and L'Accadia are all returned with a good booty and have destroyed and burnt all the coast, and brought away the inhabitants to exchange for such of ours as they have amongst them, for which heretofore they used to demand money of this Government. I am glad your Lordships have been pleased to encourage the trade of tarr, resin, and other commodities of this Province by a Company, without which it is impossible to prevent this province to run into the woollen manefactory to that degree that in a few yeares they will demand very little supply of that sort from the Kingdome of England, which if I should not informe of and labour to prevent I should be wanting in my duty, the inhabitants of this province are proud enough to wear the best cloth of England, but without they be upon tarr, resin, hemp, iron, spar, mast and building of shipp, they have no returns to make, and of all these things there might be enough, if proper methods and persons were sent to take care, and encouraged so to doe. I have now my messengers in Treaty with the Maquas and Five Nations, whose return I expect, having had my Lord Cornbury's approbation in that treaty, and I hope for the good effects of it, that at least they will continue steady, if we cannot prevaile with them to take up the hatchet against the French, as they call the war, *etc.* *Signed,* J. Dudley. *Endorsed,* Reed. Dec. 23, Read Jan. 31, 1704(5). 4 pp. [C.O. 5, 863. No. 118; and (without enclosures) 5, 911. pp. 434-442.]

Oct. 10. **601.** Extract from above letter. 1 p. [C.O. 5, 751. No. 56.]

Oct. 12. **602.** William Popple to Josiah Burchett. The Governor of Whitehall. New England having sent over a particular Messenger to sollicit for a greater Naval strength to attend that Province, the Council of Trade and Plantations desire to be informed what directions H.R.H. has given upon the Representation referred to him Aug. 3. [C.O. 5, 911. p. 395.]

Oct. 13. **603.** W. Popple, jr., to Richard Warr. *Encloses following,* Whitehall. Mr. Secretary Harley being out of town. *Annexed,*
603. i. Council of Trade and Plantations to Mr. Secretary Harley. *In reply to yours of Sept. 12 [q.v.].* Upon a former complaint of the like nature, we did represent to the Agents of [Jamaica] as Cal. 1703, p. 722. The Agents answered that upon the arrival of a single Regiment at Jamaica the people gave them greater allowance till the manner of their subsistance might be settled from England; but that there being 2 Regiments now there, the people were unable to continue the same allowances to them both, so that now each officer

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has 10s. a week and each private soldier and non-commissioned officer 5s. per week allowed by the Island over and above their English pay. They promised to write to their Correspondents that they might endeavour to persuade the Members of the Assembly to secure and ascertain quarters to the officers and soldiers instead of money by a clause in some subsequent Act, which nevertheless has not yet had its effect. But we conceive that nothing can be better for the officer and soldier, for H.M. service and the security of the Island, than the building of barracks in proper places where the Regiments may be lodged under fitting regulation, as in Ireland, and in several garrisons in England, and wherein the officers may have due care of the health of their soldiers by restraining them from many extravagancies they are subject to in open and distant quarters. *We humbly offer that* fresh provisions might be distributed to the officers and soldiers daily from the stores that may be brought from the Northern Plantations either by undertakers or officers to be appointed by H.M. for that purpose, which provisions (freight and convoy being supplied by H.M.) may be furnished at as cheap rates as in England. *Enclose Representation of Oct. 5, 1703.* And we do not doubt but that the Assembly of Jamaica might be induced readily to contribute a considerable summe towards the building of such barracks, if H.M. would be pleased likewise to assist and enable them in the carrying on of the work. As to the advantages or priviledges to be allowed the soldiers at Jamaica, we humbly offer that they ought to be the same at least with those enjoyed by soldiers elsewhere, vizt. to be admitted into Chelsea Hospital after 20 years service of the Crown, or being disabled the service, unless it shall please H.M. to shorten the term of service for those that go to the West Indies, after which they may be admitted into the said Hospital or have a pension equivalent thereunto. We think it very necessary for the safety of Jamaica and the Leeward Islands that six additional Companies raised for those Islands, or the like number of men, be forthwith dispatched thither [*C.O. 138, 11. pp. 335-338.*]

- Oct. 13. **604.** Attorney General to the Council of Trade and Plantations. Report on the Acts of Pennsylvania, Nov. 1700 and Oct. 1701. (1) As to the Law by which *Liberty of Conscience* is allowed to every person that shall onely own that God Almighty is ye Creator, Upholder and Ruler of ye world, and that he is oblidge in conscience to live peaceably and quietly under ye Civil Government, and every person so professing is to be unmolested for his conscientious perswasion or practise, and is not obliged to any religious worship whatsoever, but on Sunday

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are onely enjoyned for their ease to abstain from toyle and labour, I am of opinion this Law is not fitt to be confirmed, no regard being had in it to the Christian Religion, and also for that in the indulgence allowed to the Quakers in England (I Wm. and Mary c. 18), they are obliged by declaration to profess faith in God and in Jesus Christ, *etc.*, and also for that none can tell what conscientious practises allowed by this Act may extend to. (2) As to the Act *against Riots, Rioters and Riotous Sports, plays and games*, as far as it concerns riots onely I have no exception to it, but a penalty of 20*s.* is laid on the introducer of rude or riotous sports or prizes, stage plays, masks, revels, bull-baitings, cock-fightings, bonfires with such like, or shall practise the same, which (such like) I am of opinion leaves too great room to make persons offenders by construction at ye will of the Judge; the like objection is to another part of this Law, that makes every person to forfeit 5*s.* or to be imprisoned 5 days in the House of Correction that shall be convict of playing at cards, dice, lottery or such like enticing vain and evil sports and games, and besides I think some innocent sports are thereby prohibited without reason. (3) The Act *against adultery and fornication* is not fit to be confirmed, for by it for Adultery a Bill of divorce is allow'd to the injur'd husband and wife, but the divorce is not explained whether to be a *vinculo matrimonii* or onely from bed and board, as ye Ecclesiastical Laws of England allow, which I think ought to be ascertained, and for fornication among single people, they are to marry, which may be unreasonable where young men may be drawn in by lewd women, and the [*clause the*]rin touching a married woman having a child in the absence [*of her hus*]band, makes her an Adulteress unless she can prove by credible [*evidence t*]hat her husband cohabited or was in company with her, or had [*been in the*] county where she liv'd within a year before the birth *etc.*, may in many cases be difficult on honest married women who [*have hus*]bands that are seafaring persons *etc.* (4) As to the Act *against rape or ravishment*, I think it not fit to be confirmed, for that castration is part of the punish[ment for] ye 2*d.* offence, wch. I think unreasonable especially in case of a [*married ?*] man. Besides that is a punishment never inflicted by any Law [*in any of*] H.M. Dominions, and no care is taken for healing the [*castrated ?*] person. (5) As to the Act *against incest, sodomy and bestiality*, I think the punishment of incest (intended by this Law) without ascertaining what it is by annexing a table of the degrees of kindred will be inconvenient and unreasonable, besides the incest intended by this Bill doth appear to be by marrying; wch. is onely incest, for it is such incest as a marry'd man may commit. Likewise castration of a marry'd man is part of his punishment for sodomy or bestiality, and there is no punishment for bestiality in a woman but to be divorced from her husband, wch. divorce is not ascertained what it is to be. (6) The Act *against Bigamy* I think unreasonable, for it divorces the first wife and yett makes the husband a prisoner for life at hard labour for the benefit of her and her children. (7) The Act *against robbing and stealing* I am of opinion is too large,

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being not only for stealing but also for fraudulently taking or carrying away of goods, which is unreasonable, for fraudulently taking may be by construction of Law where no consideration is, and the punishment besides is too great for a fraudulent taking, that is not felony by ye Law of England. (8) The Act *about boats and cannoes* I think fit to be confirmed for a time onely, there being a penalty of double ye value of a boat that shall be sett adrift without consent or leave of ye owner. (9) By the Act *against breaking into houses*, it is not said, with intent to steal, besides the punishment is fourfold satisfaction for wt. shall be taken, to be publickly whipt and to suffer six moneths imprisonment, and to be sold for the forfeiture, if not able to pay, and not said for how long, and selling a man is not a punishment allow'd by the Law of England. Therefore I think this Act not proper to be confirmed. (10) The latter objection applies to the Act *against firing of houses*. (11) The Act *against murder*, whereby whoever shall wilfully or præmeditatedly kill another person or be ye cause of or accessory to the death of any person, shall suffer death, I think it unreasonable, for that willfull killing may be in a sudden affray, therefore it should not be wilfully or præmeditatedly, but wilfully and præmeditatedly. (12) As to the Act *for County seals*, and against counterfeiting hands and seals, whereby counterfeiting or imitating any seal is punishable, I think ye word, imitating, too farr, it being general and not said with intent to defraud, there may be innocent imitation. (13) The Act about *ye recording of deeds*, which makes deeds good that are not inrolled, since former Laws did require inrollments of deeds, an after-purchaser whose deed is inroll'd may be overreach'd by allowing, as this Act doth, a former deed to be good wch. was not inroll'd, and makes inrollment of deeds not necessary, but evidence if inroll'd, I think it unreasonable to take off the necessity of inrollment, wch. is a great security to titles in all ye Plantations. (14) By the Act *limiting the presentments of the Grand Jury* all indictments for trespass are taken off, where there is remedy for the party injur'd before the Justices, I think it not reasonable, for there may be prosecutions for the Crown also, as well as at the suit of the party for his dammages. (15) The Law *about attachments*, being to condemn the goods and lands of persons onely of ye Plantations, will prejudice all owners of lands and traders remaining in England, therefore I think it unreasonable and not fitt to be confirmed. (16) By the Act *for naturalization* power is given to ye Proprietor or Governor to naturalize all foreingers coming to the Plantations, all that were there before the Grant to proprietor, whether Dutch, Swedes, or Danes, are naturalized by this Act, and since the Proprietor hath no such power by his grant, I think it not fitt for him to give it himself by this Act. (17) The Act *for ascertaining the descent of lands etc.* giving a power to Executors to sell the real estates of persons dying [*? intestate*], and also making ye real, as well as the personal estates of persons dying intestate to be distributed, as personal estates of intestates are distributable in England, I think is inconvenient and unreasonable, especially

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because many of the owners of lands there are inhabitants in England. Besides personal estates of persons dying intestate are hereby made distributable otherwise than they are in England, wh. may affect the interests of persons residing in England. (18) The Act to *prevent immoderate fines* is against the Law of England, wh. is onely in case of amercements, not of fines, for if offenders have onely furniture of their calling and means of livelihood, they are not to be fin'd anything by this Law, and no direction is given by it for corporal punishment instead of a fine, which would have made this Law reasonable. (19) The Act *about defalcations* is a good Law, but had been better if the setting off of debts on stating accounts had been general and not restrained to the setting off of debts against others of the like dignity onely. (20) The Act *for determining of debts under 40s.* is a good law, but rent should have been excepted out of it, which being for lands, the title of ye lands may come in question, as if an eviction be pleaded by ye tenant, which it's not reason to have so arbitrarily and fully determin'd as this Law allows. (21) The Act *to oblige witnesses to give evidence etc.* requires two witnesses in all criminal cases, where by the Law of England one is sufficient unless in case of treason, and for small criminal matters not capital. I see no reason to require two witnesses, and great inconveniences may happen by it, and the trial there being by Jury, they will judge of the credit of the single witness. (22) The Act *confirming devises of land and validity of nuncupative wills*, which makes all devises of lands good, if the wills in writing be legally proved in the province within six moneths after ye testator's death, or within 8 moneths, if ye testator lived out of the Government, I think unreasonable, for that if a will be made in England, and all the witnesses here, they must be carried over to the Province to prove it there, which it will not be in the power of the devisee to doe. Therefore all that will be reasonable in this case to enact will be, that the will be proved in ye Province, or in the Chancery in England, and the bill, answer and depositions be transmitted thither under the seal of that Court, to be there registered. This Law also makes a nuncupative will good so that it be reduced into writing within two days after the decease of the Testator, and subscribed by two witnesses who were present at ye making and attested by a J.P. within 10 days after the death of ye Testator, which is different from the Act of frauds in England, and I am of opinion it is necessary to have the Law for wills the same as in England by that statute. (23) The Act *impowering widows and administrators to sell so much of ye lands of intestates as may clear their debts etc.* I think unreasonable, for that such sale may be made notwithstanding any marriage settlement, and there is no rule sett in wt. manner younger children and in what the elder shall be provided for. (24) By the Act *for the taking lands in execution for the payment of debts where the sheriffe cannot come at other effects to satisfy the same*, all lands are liable to sale on judgment, so that the messuage and plantation where the Defendant lives be not sold in less than a year after judgment, and before sale the lands to

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be apprais'd by 12 men of the neighbourhood, and then to be sold by the sheriffe, and such sale shall make a fee simple estate therein to the buyer or creditor as fully as they were to the debtor etc. This Law differs from the Law of England but may be practicable there. (25) The Act *for priority of payments to the inhabitants of this Government* prefers debts on simple contracts due to the inhabitants before all foreign debts, which being prejudicial to the people of England is fit to be rejected. In this Law there is a proviso for factors at coming into that Colony to enter into ye County Court the name of the person adventuring by him, and the value of the goods adventured, in wch. case such adventurers may come in for their debts with the inhabitants. But I think it unreasonable to exclude the adventurer if his factor will not make such entry, and if no such entry made by ye factor, then the goods are to be taken to be his own, so far as to be liable to his debts in the country, which is unreasonable. (26) To the Act *for the trial of negroes* I see no objection, but that a negro is to be castrated for attempting to ravish a white woman. (27) The Act *about departers out of this Province* obliges all masters of vessels coming to that Province to give 300*l.* bond to the Naval Officer to observe the Laws of that Government, which I take to be unreasonable, since all ye people of England have a right of trading thither, and ill use may be made in the Plantations of such bonds, if given. (28) The Act *against the mixing and adulterating strong liquors* lays a severe penalty on any person selling rumm etc. mixed with water etc. by the judgment of two credible evidences being convicted thereof. I think it unreasonable, it not being said, knowing ye same to be mixed. (29) The Act *for appointing the rate of the money within this Province and Territories*, I think fit to be repealed, H.M. having settled the values of coins in all ye Plantations. (30) By the Law *against drunkenness and health-drinking* penalties are laid on persons for drinking healths without being drunk, which is unreasonable. (31) The Act *for bailing of prisoners etc.* gives double dammages against Informers or prosecutors, where a man is wrongfully imprisoned, which will be so where the person prosecuted is acquitted, which will discourage prosecutions or probable causes, therefore this Law not excepting where there is probable cause for the prosecution, I take to be unreasonable and not fit to be confirmed. (32) By the Act *for the effectual establishment of freeholders*, all the titles under the Crown before the grant to the Proprietor, and all his grants are confirmed, and the lands of any person may be resurvey'd within two years after the publication of this Act, by the Proprietor or his heirs, and the Proprietor to have ye overplus measure and ye possessor to have the refusal, and if less than measure, the Proprietor to make good the deficiency. This is relating to the property of ye Governour and inhabitants only, and though inconveniencys may happen by it after a long possession, yet if the Governour and Country like it, I have nothing on that account to object. But there is a clause which makes a survey good, notice being given to two neighbours, if the owner of ye land be not known,

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which is unreasonable, to bind a man by a survey wch. he hath no opportunity to be present at. There is also a provisoe that the survey shall not conclude infants, persons beyond the sea, married women or lunatics, and yet no further time than the two years is given to survey where such are concerned, wch. may render the Law in great part useless. There is a clause here which allows land purchased by aliens who die before they are naturalized to descend to their wives and children, which I take to be unreasonable, in letting in aliens to purchase and inherit before and without being obliged to be naturalized, and this implies that every alien that will come there, how inconvenient soever his being there may be, may demand and be naturalized. This Act also confirms all sales made by Attorneys, and the same is not restrained to such sales as shall be made while their authoritys are in force, which ought to have been mentioned. (33) The Law *about arrests* subjects a man to pay his debt by servitude if desired by the plaintiff where there is no visible estate, which may subject masters of ships and others coming to that Plantation to slavery, which I take to be unreasonable. (34) By the Law *about false imprisonment* double damages are given against the prosecutor for wrongful imprisonment, wch. I take to be unreasonable, it not being said, or without probable cause. (35) By the Law *about acknowledging deeds in Court*, a deed delivered into the Court by the Attorney of the maker thereof is to stand good to all intents and purposes, wch. seems unreasonable, there not being expressly reserved a liberty of controverting the authority of ye Attorney, nor any direction to ye Court to examine the power of the Attorney. (36) The Law *about seven years' possession* is unreasonable, in giving an unquestionable title by seven years possession, not excepting ye possessors by virtue of particular estates as for years, life or in taile, wch. possessions ought to end with their estates. (37) By the Law *about the manner of giving evidence, and against such as lie in conversation*, every evidence convict of wilful falsehood shall suffer such penalty and damage as the person against whom he bares false witness should have undergone, if guilty, and make satisfaction to the party wronged and be infamous. This is further than the Law of England, for if a felon be acquitted, and ye witness be convicted, he is to be hanged, it not being restrained to civil cases. (38) The Law *for the confirmation of the Laws*, confirming all the Laws made in 1700 is not to be confirmed, if any one of them be repealed. (39) The Act *for raising 1s. per pound and 6s. per head for the support of the Government* and (40) the Act *for raising 2,000l. for the Governour* are expired. And as to all the rest, (65) I find nothing therein disagreeable to Law or Justice, or prejudiciall to H.M. Royall Prerogative. Signed, Edw. Northey. Endorsed, Recd. Oct. 13, 1704, Read July 18, 1705. 9 large pp. Partly torn. [C.O. 5, 1263. No. 27; and 5, 1291. pp. 165-191.]

Oct. 15. 605. Col. Quarry to the Council of Trade and Plantations.
Maryland. My last to your Lordships was from Virginia by the Fleet that

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sayl'd thence June 8. I am now honoured with your Lordships' letters of Feb. 17 and March 17, *etc.* I am infinitely obliged to your Lordships for your generous favour in recommending me to succeed in the office of Surveyor Generall, *etc.* In my letter of Oct. 15 last, your Lordships will find that I have acknowledg'd the receipt of yours of Feb. 25, 1703, and have punctually pursued your orders, by serving the President and all the Magistrats of this Government [*Pennsylvania, Ed.*] with H.M. Order in Council, relating to the Courts of Judicature, which hath been noeways comply'd with. I did inclose Mr. John Moore's letter which gave the particulars of their Proceedings in Court, to which I referr'd your Lordships, which very letter or a copy of it was sent hither by Mr. Penn to this Government, and the use they have made of it, hath been to discountenance him all they can and turn him out of all Offices he had in the Government. H.M. letter I did according to your orders deliver to Mr. Evans, who hath not been pleased to take the least notice of its contents to me or any Officer of the Admiralty, but two days after the delivery of it, he sent to Mr. Moore and discharg'd him from the office of Register formerly given him by Mr. Penn, the better to encourage him to execute the office of Attorney Generall, out of which office they have also turned him, this is all the effects which as yet we have found by H.M. letter to him for encouraging her officers of the Admiralty and Prize. I writt to your Lordships in Feby. last, and amongst other matters gave your Honours account, that I had served the Deputy Governour with H.M. Order in Council, the answer he gave me was that he would take care that the Queen's Order should be complied with, but to this very hour the Courts will not conform, nor is it in his power to oblige them, as doth appear by the *enclosed* Address of the Assembly, where they say that they cannot administer an oath, however are resolv'd to be Judges of the Courts, and have so little modesty as not only to refuse complying with the Queen's Order, but doe propose that all H.M. other subjects may be deny'd the benefit of the Law, and H.M. favour of being under the security of an oath, where it concerns their lives liberty and fortunes, but must have no other security than the Affirmations allowed the Quakers, *etc.* I find that noe other obligation was ever required by the Deputy Governour from the Members of the Council, more than the oaths of a Councillor, whereas in all other Governments the first thing done is, to administer to the Council, Assembly, all Justices and Officers the severall oaths appointed by Law, which was also done in Jersey, where severall of the Council and most of the Assembly are Quakers, yett my Lord Cornbury oblig'd them to take all the oaths in their own form, which accordingly they did, before they were suffered to act, but here there was no such thing soe much as required of the Assembly which sate lately, this unaccountable proceedings surprizes all the neighbouring Governmts., and looks as if this was an independant Government, and not under the same Crown and Laws. Inclosed is a copy of the Deputy Governour's Proclamation, wherein he makes use of H.M. name and authority, to exempt and excuse all the

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Quakers in the Government from bearing arms, without obliging them to do anything that might be an equivalent to it, but is pleas'd to command all other H.M. subjects, to arm and inlist themselves at their utmost perill, and this without any Act of Assembly or Law to oblige them, which looks not only very partiall, but arbitrary, had he ordered the drumms to beat up for volunteers it would have been very proper, and would have answered ye end far better. I am not willing to enlarge on this subject, but will choose rather to referr it and the Proclamation to your Lordships' better judgement. I have inclosed the Deputy Governour's speeches. The Assembly of Pennsylvania mett again lately but would take no notice of H.M. Order about raising their quota for the support of Albany, nor doe anything for the settlement or security of the Country. There is at present a very great division and confusion in this Government, Quaker against Quaker, the generallity of the Country are very violent in opposing those that are for promoting Mr. Penn's intrist, the quarrell hath been carry'd on so far allready, that the Military and Civill Officers have been at clubb-law, the Quakers have indited the Officers of the Militia, not spareing the young gentleman Mr. Penn himself, who they have presented in their Courts, this hath so disobliged the Lieut. Governor, that he then resolved to put the Queen's Order in force, and by his Proclamation to declare the Proceedings of their Court against one of their Militia Officers voyd, this hath so insens'd the Quakers that they resolve on revenge, on this occasion the Lieut. Governour sent to me for the Queen's Order, his letter with my answer is inclosed, all things are at present in great confusion, and young Mr. Penn so very uneasy with the Quakers that he hath publicquely renounc'd them all and hath put on his sword, he goes home for England in the *Jersy* man-of-warr from New York, and resolv's to perswade his Father to resign up the Government to H.M., and indeed considering how confus'd and disharted this Governmt. is that they refuse to comply with any thing that tends to Mr. Penn's intrist, but oppose him all they can, I am of opinion that Mr. Penn will now be willing to part with the Governmt. on farr easier terms than formerly, he hath quite lost the end of sending his son over hither. There was a proposall made by a great part of the Country, to raise a considerable summ of money for Mr. Penn, provided that he or his son came to settle amongst them in a certaine limmitted time, in pursuance of which agreement, the young Gentleman came over, but they are now so incens'd against bothe Father and son, that they will not advance a penny, so that he hath lost his labour, and returns empty, nor will the Quakers give Mr. Penn's Lieut. Governr. anything to support him. I did attend my Lord Cornbury all the time that the Assembly sate at Burlington, which was about a month, which time they trifled away to noe purpose, though my Lord recommended dispatch, and acquainted them that the Queen's service required his being in New York the beginning of Oct., and although they did in their Address to H.E. promise to answer all things propos'd to them in his speech, yett

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took noe notice of the essentiall matters till within few days before my Lord was obliged to goe to York, and then they brought in a Bill to settle the Revenue, they gave it a first reading and then adjourned the second reading for severall days, on purpose (as was said by some of their own House) that it might not be ready to pass; my Lord, who was noe stranger to every step they took, and what they designed, found that it was absolutely necessary for the Queen's service to dissolve them, which accordingly he did, to the generall satisfaction of the country, for these men were chosen by the voices of 43 men, when at the same time there appear'd in the feild about 400 who voted for others, and yet the sheriff returned the vote of the few. My Lord is very well assured of a good choice for the next Assembly, and that they will effectually answer all the ends of setleing and supporting the Government of that Province, the whole Country will be very easy and satisfyed to have an Assembly of their own free choice, then they will cheerfully pay their taxes and obey what laws are made. My Lord hath issu'd writts for a New Assembly to meet Nov. 8 next, and though it be late in the year, yet when they come with a resolution to doe business heartily, much may be done in a little time, for the cold weather will quicken them to dispatch and hasten home. I am now oblig'd in order to the Queen's service to hasten towards Virginia and North Carolina, and hope to be back time enough to attend my Lord Cornbury at the next Assembly in New Jersey, I am come thus far in my journey. The Assembly of this Province summoned by H.E. Governour Seymour broke up on Tuesday, Oct. 3, after they had sate about a month, in which time they revis'd most of all the Laws, the coppys of all which with the Journall of the Councill and Assembly are so voluminous that it's impossible for them to be transcrib'd and sent by this opportunity, but I am sure H.E. will take care that they be sent by the next. I will deferre the history of this Assembly till my return from North Carolina, but H.E. hath had as nice and difficult a game to play as ever Governour had, and had he not managed it with the greatest prudence imaginable, they would have made all offices in the Queen's gift worth nothing, few were chosen in this Assembly but such as had promis'd to oppose the intrist of the Crown as much as they could, and they were steady in this principall, weh. will appear to your Lordships when I tell you that notwithstanding all H.E.'s pains and endeavours, by a proper application to them both publickly and privatly, yet nothing could prevail on them to supply their quota for ye support of Albany, perhaps I may truly say that never such a sowre temper'd people ever mett together in an Assembly before, for which all the men of sence in the Government doe condemn them, however the Governour carryed himself towards them with that evenness of temper, that they all went away very well satisfied with him, which I hope will have that good effect on them as to lett them see their folly, and mannage themselves with more reason and prudence at their next meeting *etc.* In August last there was a prize brought into this Government,

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the manner of her caption being very uncommon I have sent the Master's deposition of the circumstances and manner of it. The prize is a small ship, her loading was 150 hhds. of brown sugar, 36 hhds. of white sugar, and a parcell of ginger, the particular weights and vallue of the said cargoe will appear by the enclosed account of appraisement which was done by very honest men on their oaths; Governour Seymour hath taken all the care and caution imaginable in every step relating to this affair, he hath by the advice of his Councill put the whole concern into the hands of Col. Hamond, one of the Councill, and a gentleman of worth and ability, and resolves that the whole effects shall continue in his hands untill he receives farther orders. The case of the prize being extraordinary, H.E. is not fully satisfy'd whither the property belongs to H.M. or the Lord High Admirall, nor what proportion thereof belongs to the captors, and therefore resolves to have all the effects kept intire without any division, till he can receive directions about it; some time after the prize was brought in, and put into the custody of Col. Hammond, Mr. Hercules Coutts came to H.E. and demanded the possession of the prize, by vertue of a Commission from one Dodd, a person altogether unknown to H.E. or any other in this Governmt., nor doth it appear how this Gentleman derives a power to depute Mr. Coutts, soe that under this difficulty in a matter of such consequence, the Governour thought it very proper to have the advice of the Councill and accordingly he stated the case to them fully, to which they gave their opinion very unanimously, that since Mr. Dodd was altogether unknown, and that it did not appear how he derived a power for granting the Commission to Mr. Coots, they were of opinion that H.E. could not be safe in delivering up the ship and cargoe to him. The ship by which I send this sayls in the morning, so that I have not time to say what I designed, and I am fore'd to referr your Honours to my next, which I purpose shall be from Virginia. *Signed*, Robt. Quarry. *Endorsed*, Recd. 15th, Read Jan. 19th, 170 $\frac{1}{2}$. 4 closely written pp. *Enclosed*,

605. i. Copy of Address of the Assembly of Pennsylvania to Lt. Gov. Evans. [*Duplicate of No. 359.vi.*] *Endorsed*, Recd. Jan. 15, 170 $\frac{1}{2}$. 1 p.

605. ii. Proclamation by Lt. Gov. Evans, Sept. 23, 1704. Forasmuch as H.M. in Council Jan. 22, 1702(3), ordered that all persons, who in England are obliged and are willing to take an oath in any publick or judicial proceeding, be admitted so to doe by ye proper officers and judges in Pensilvania and the Lower Counties, in default of all weh., or in case the Judges should refuse to administer the oath, their proceedings were thereby declared null and void, and whereas information has been given to me in Council by the Attorney General and petition of Enoch Storey of Philadelphia, Innholder, that at a Court held for the said City, Aug. 31 last, before Anthony Morris, Mayor, David Lloyd, Recorder, and the Aldermen of the same city, Storey, upon his

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prosecution of a traverse, required that William Bevon, the only evidence against him, might by that Court have an oath administered unto him, the said evidence at yt. time also publicly declaring his willingness to take the same, nevertheless the Court utterly refused to administer any oath, but in contempt of H.M. Order commanded him to take the affirmation for Quakers, which was done and the Jury found Storey guilty; I therefore pronounce the proceedings null and void. Signed, John Evans. *Endorsed as preceding. Copy. 1 p.*

605. iii. (a) Copy of Address of the Assembly of Pennsylvania to Lt. Gov. Evans. We the Assembly having after a considerable time spent in the service of the Country prepared and presented to the Governr. for his consideration certain bills to be passed into Laws for the securing the good people of this Province in their just rights, liberties and properties, being in expectation that if anything were thought therein unreasonably urg'd or wanted explanation, the Governor would have taken seasonable opportunitys of signifying the same to us, and thereupon a conference might be appointed between ye Governor or such as he may order on his behalf and a Committee of this House, weh. might have settled matters between us. But so it is, that nothing of this kind being effected while we have patiently waited the Governor's pleasure in the premisses we are given to understand that John Guest, one of the Council, not having had due regard to the welfare and prosperity of the good people of this Province, nor to the concord and amity intended by this Assembly to be kept and maintained with the Governor, hath used endeavours to render abortive our labours and care in the premisses by representing our proposalls in the said bills absurd unreasonable and monstrous, and ridiculing us both publickly and privatly, tending to the dishonour of this house and endeavouring to render us obnoxious to those we represent. Wherefore, whether such his practices be contrary to the rules of the Councill board or the oath or attestations there taken, we shall not determine, but earnestly desire that he may give satisfaction to this House, and receive a just rebuke for his said abusive, false and scandalous speeches etc.

605. iii. (b) Copy of a clause proposed for imposing the Quakers' Test. Whereas the Mayor, Aldermen, Freemen and Commonalty of the City are for the most part such as for conscience sake cannot take or administer oaths, and forasmuch as the solemn affirmation allowed by the Statute to be taken by the people called Quakers instead of oaths is and ought to be deemed as binding upon the consciences of other Christian people that

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- take the same, as it can be upon the Quakers, seeing ye Affirmation and the Oath (tho' differently administered and taken) are noe more in construction of Law but religious obligations upon the consciences of those persons that take them, and in regard the affirmation is by the Parliament of England adjudged to be of the same force and effect as an oath in all Courts of Justice *etc.*, there can be no just grounds for any to refuse the said affirmation instead of an oath. Therefore, least there should be a failure of Justice in that case, and to [the] end that the greatest part of such as can be serviceable to the Governmt. may not be rendered useless therein, Be it further enacted by the Authority aforesaid that all persons whatsoever, who from time to time shall be chosen officers of and for the said City and every of them who before they enter upon their respective offices subscribe ye Declarations and Profession of Faith as is required of members of Assembly, as is required by an Act *for removing disputes concerning the sitting of this present Assembly, etc.*, and make their solemn affirmation and engagements for the due execution of their offices according to the Charter, are hereby declared effectually qualified to act in their offices *etc.* as fully and amply as if they had been qualified by oaths; and all persons that shall take ye sd. solemn affirmation instead of an oath shall be allowed to serve as jurymen or upon inquests, and to give evidence *etc.* and all such solemn affirmations or declarations shall be adjudged to be of the same force and effect as if they had taken an oath, and be liable for similar penaltys *etc.* *The whole endorsed*, Recd. Jan. 15, 170⁴. 2¹/₄ pp.
605. iv. Copy of the Speech of Lt. Gov. Evans to the Representatives of Pennsylvania. *Duplicate of No. 359.ii. 1 p.*
605. v. Copy of Lt. Governor Evans' speech to the Representatives of Pennsylvania, April, 1704. *Duplicate of No. 359.iv. Endorsed as preceding. 1 p.*
605. vi. Copy of the Condesention of the Representatives of the Three Lower Counties. *Duplicate of No. 359.iii. 1 p.*
605. vii. Copy of Reply [to preceding] from the Representatives of the Province to the Representatives of the Territories. We are sorry you should pretend you mett here in expectation of joyning with us in Assembly, whereas yourselves declared in the Conference wee had with you yesterday, that you could not act in conjunction with us, in regard you were called by the Governor's writt and we by Charter. Wee cannot conceive how you now can call the Disunion a pretended one, wch. has been so often debated in Assembly, and which the actions of your Representatives force upon us by their refusing to act with us on several occasions, and particularly by your slight of the Charter in neglecting

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to choose Representatives to serve in Assembly, 8ber 1702. And notwithstanding the then Lt. Govr. was pleased to indulge you in issuing forth his writts empowering the Countys you represent to make a new election, wch. they so farr complied withall as to choose and send up their Delegates to meet those of the Province upon Nov. 16 following, according to the tenor of the writts, yett your Representatives when assembled with them of the Province, after severall debates between them about acting conjunctly, were pleased to express their unwillingness thereunto, and declared their dislike of the Charter, and refused to agree to joyn together with us to act by it in Legislation. All wch. was more at large signified by the Representatives of the Province to the then Lt. Govr., whereunto they were necessitated by direction of the Charter, after the opposition made to the said union by the Representatives, so that being by virtue of the Charter formed into a distinct Assembly and our number settled accordingly, wee conceive it is not now in our power to alter our number without a violation of the Charter and trust reposed in us by those wee represent, neither can wee perceive any expedient proposed by you (tho' desired by us in the Conference yesterday) to reconcile your request (of an union) with the Charter, wch. wee presume is a duty incumbent on you at whose door the disunion is, since you seem to desire a reuniting. Wee need not inform you that by this Charter you have still the opportunity of forming yourselves into a distinct Assembly and enjoyning [*sic*] the priviledges thereof as well as the Province, wch. wee hope by our candour and good neighbourhood towards each other may prevent the inconveniency and prejudice you seem to doubt as the consequence of our acting separately, and not prove prejudiciall to the prosperity and safety of the Government under the present administration. This being our plain and genuine answer, wee hope it will prove satisfactory to you from your Reall Friends and Well-wishers. *Signed*, David Lloyd, Speaker. *Endorsed*, Recd. Jan. 15, 1704¹. 1 p.

605. viii. Address of the Assembly of Pennsylvania to Lt. Gov. Evans. *Duplicate of No. 359.v.*

605. ix. Address of the People called Quakers convened in Assembly at Philadelphia, to the Queen. We have laboured under some difficulty since the publication of thy Royall Order in Councill Jan. 21, 1702. In regard wee cannot administer oaths nor joyn with others in so doing, severall of us who might be serviceable to our Country in Courts of Judicature are excluded, which refusall of ours proceeds not from disloyalty but tenderness of conscience. Now forasmuch as those who have been so earnest to introduce oaths

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- here, have often declared they would be willing to take the Affirmation instead, upon all occasions wherein the life of a subject was not in question, and the said Affirmation being, as wee understand, as great security as an oath, since none but the most profligate of mankind, whom oaths cannot bind, will falsifye a solemn Attest, and Justice requiring the same security for preservation of Estate as Life, and the people called Quakers being still the most considerable for number and estates are consequently like to be the greater losers in case the administration of this Governmt. without oaths should prove detrimentall to the subjects in generall, *Pray* that the Affirmation may be allowed here to all persons and on all occasions instead of an Oath, which shall be thankfully acknowledged as an Act of Royal Clemency and indulgence to us who shall always study to approve ourselves thy sincere, loving and obedient subjects. *Copy.* 1 $\frac{3}{4}$ pp.
605. x. Assembly of Pennsylvania to the Queen. Loyal Address, and thanks for H.M. expressions of favour to our Proprietary, William Penn, and H.M. approbation of Lt. Gov. Evans. *Endorsed*, Recd. Jan. 15, 170 $\frac{1}{2}$. *Copy.* $\frac{1}{2}$ p.
605. xi. Mr. Rolfe to Col. Quarry. Philad^a. Sept. 2, 1704. Mr. Penn [jr.] hath been wth. Mdm. Quarry from the Governor to desire her to send him the Queen's Order for quallifying of the Courts, but Mdm. Quarry cannot find it; then he requested her to send to you to know were it was, for he hath occasion to make use of't now in the Mayor's Court, Mr. Penn being presented to them for abusing the Constable and watch. *Signed*, Jos. Rolfe. *Endorsed as preceding.* *Addressed.* 1 p.
605. xii. Proclamation by Lt. Gov. Evans. *Duplicate of No. 359.i.*
605. xiii. Lt. Gov. Evans to Col. Quarry. Philad^a., Sept. 2, 1704. *Enquires* for H.M. Order as in No. 605.xi. *Signed*, John Evans. *Same endorsement.* *Addressed.* *Holograph.* 1 p.
605. xiv. Col. Quarry to Lt. Gov. Evans. Burlington, Sept. 3, 1704. I was very much surpriz'd at your Honour's sending to me now for H.M. Order, *as above*. I have not only in obedience to the Council of Trade serv'd ye President and Councill wth. it, but took care to have it publish'd in all the severall Courts of the Province, and did likewise at your honour's first arrivall deliver unto you one of the said Orders. I am concern'd at your Honour that you have now an occasion now to make use of it. If I mistake not there hath been the same occasion ever since your Honour's coming to the Governmt., as well as before, nor can any Magistrate pretend not to know the purport of that Order, since the Generall Assembly have thought fitt to Address

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H.M. on that head. However, if the first Order deliver'd you be mislaid, I will come down on purpose to supply you wth. another. *Same endorsement. Copy.* $\frac{3}{4}$ p. [*O.O.* 5, 1263. Nos. 6, 6.i.-xii., xiv., xv.; and (*without enclosures*) 5, 1291. pp. 102-124.]

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St. John's.

606. Petition of Inhabitants and Traders to Newfoundland to the Council of Trade and Plantations. Thomas Lloyd, late Commander in Chief of H.M. garrisons in St. John's, behaved himself with such arrogance and self-interest as had like to have destroyed ye English interest in this most noble Fishery. Insomuch that the soulders for want of due payment of their subsistence, provisions and other grevances that they in their Petition set forth, and that we know and are satisfied are trew, as the seting them out to ye Fishery at 16*l.* per man, as if they had bin his slaves, forcing them to take 6*l.* for their servis from May to Aug, and he to have ye other 10*l.* and their subsistence and victuals, and ye said 6*l.* he paid them in goods at extravagant rates, for this and other grevances he on Sept. 22 last was suspended, ye soulders having declared that his avirice was so insoportable that they could no longer live under it *etc.* His carrage to us is so arrogant that we had better be under an absolute power than under ye protection of such a Commander, and since his being suspended he hath contrived several papers in his own behalf, viz., how cearful he hath bin in sending spies last winter to Plasentia. The spies indeed ware sent, but he gathered ready money from us to pay them wth., and forced ym. to take goods from him at such extravagant rates as discouraged them from further service. But he, by threatening some to run them threw, if did not sign, others by fair promises, and some yt. could not read would go privatly to and get them to put their marks, not knowing wt. it was to, by wch. means he got several of us to sign his papers and then called them aboard ye Commodore to make them own that it was their hand, ye which out of fear was done; and at his going off declared that if 500*l.* would purchas a Commission to come hither again he would give it and come to plague ye cuntry. We therefore pray that our case may be inspected and that you'l represent it to ye Queen in Council, least if such a mercenary and cruell man should come hether again, this only garrison in ye cuntry may be lost, and by that means this most noble fishery. 61 *signatures.* *Endorsed,* Reed. 8th, Read Dec. 12th, 1704. $1\frac{1}{2}$ pp. *Enclosed,*

606. i. Deposition of John Marshall that Capt. Lloyd threatened him with a drawn sword *as above.* *Same endorsement.* $\frac{1}{2}$ p.

606. ii. Copy of a Petition to Capt. Lloyd from his Company of soldiers, complaining of Mr. Roope's barbarous treatment of them when employed to work on the boom *etc.* and praising Capt. Lloyd. *Subscribed,* Declaration of Noncommissioned Officers that this paper was drawn up by Capt. Lloyd himself, to clear himself, he having

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at the time let out 16 men to the fishery *etc.* 5 signatures. Same endorsement. 1 p. [C.O. 194, 3. Nos. 37, 37.i., ii.]

- Oct. 17. **607.** W. Popple, jr., to Wm. Bridges, Melisha Holder, and Whitehall. Robert Chester. The Council of Trade and Plantations having several complaints before them against Governor Sir B. Granville, desire to speak with you on Thursday, and that you would give them an account whether there be any Act for settling the number to make a quorum in the Assembly of Barbados, and if there be no such Act, how and when the said Quorum came to be 15. [C.O. 29, 9. pp. 53, 54.]
- Oct. 17. **608.** Wm. Popple, jr., to Robt. Heysham. The Council Boston. of Trade and Plantations desire to speak with you and the other gentlemen concerned in the complaints against Governor Sir B. Granville, *etc.* [C.O. 29, 9. pp. 54, 55.]
- Oct. 17. **609.** Governor Dudley to W. Popple. *Acknowledges* letters. Boston. *Refers to* enclosure. I believe we have at this time near 40 vessels in Martinico, and if there were a constant cruise at Barbados and the Leeward Islands, it is scarce probable it would be so, one good cruiser has preserved this coast hitherto, and I hope for a supply which I have earnestly prayed for. *Signed*, J. Dudley. *Endorsed*, Reed. Dec. 23, 1704, Read Jan. 31, 1705. *Holograph.* 1 p. *Enclosed*,
609. i. Some merchants of Boston to Governor Dudley. *See* Minutes of Council of the Massachusetts Bay, Oct. 9, 1704. *Endorsed*, as preceding. 2 pp. [C.O. 5, 863. Nos. 120, 120.i.; and (without enclosure) 5, 911. pp. 442, 443.]
- Oct. 19. **610.** Proofs particularly desired from the Four Suspended Councilors of Barbados [see July 1, Sept. 21]. That they prove (1) the Militia is in a miserable confusion; (2) that the Governor called the Counsellors cowards; (3) that he has granted Commissions to Judges and Justices of the Peace without the consent and advice of the Council, and particularly in the case of Holder; (4) that he would have made an advantage to himself of 3,000*l.* in case the Bill for the security of the bays, *etc.* had past. *Endorsed*, Delivered to Mr. Heysham *etc.* Oct. 19, 1704. 1 p. [C.O. 28, 7. No. 53; and 29, 9. pp. 55, 56.]
- Oct. 19. **611.** Proofs particularly desired from the Gentlemen of the Assembly concerned in the petition against Sir B. Granville [above]. To prove (1) that the Militia has been commanded by him upon duty contrary to the Law of the Island. (2) that the Governor is obliged upon commanding the Militia upon duty to have the consent of the Council, and how he has transgressed any Act of Assembly in reference to the Militia. (3) Who declared that there was no better way to give the Governor money than by such a Bill? (4) To prove that the commanding the inhabitants upon duty as guards is illegal and unusual. (5) How would the 2 companys of Grenadiers be destructive to the Militia, and be a means to evade the Queen's forbidding Governours to

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receive presents? (6) To prove how the greatest part of 9,000*l.* per annum is by the Bill to be paid into the hands of the Governor etc. (7) That by removal of officers, there is scarce a compleat regiment in the Island. (8) That the Governor ought not to appoint Militia officers without the consent of the Council, and how many of the officers appointed by him are unqualified and constituted contrary to Law. (9) To prove it legal or fitting for Assembly men disliking or apprehending the ill consequences of any Bill to absent themselves from the House. (10) That the Governor has received from the Assembly 600*l.* and 500*l.* sterl., and for what use, and that he desired the alteration of the Minutes of the Assembly for that it would otherwise appear a present from the Assembly. (11) That the Jews have presented him with 200*l.* (12) and have many priviledges allow'd them by him contrary to Law. (13) That he has received presents of considerable value from private persons, especially from the Scotch. (14) That many Scotch in places there are disaffected to the English Government. (15) That the Governor's House will cost the Island 600*l.* per annum and 5,000*l.* sterl. (16) To prove what is alledged concerning Robert Steward, and how far the Governour is concerned therein. (17) To prove exactions upon Masters of ships that sail without or with convoys, or the Governor's obliging them to petition for leave to sail with convoys, and whether such practice be an innovation. (18) How he has violated his Instructions in placing or displacing Judges and other officers, civil and military. (19) To prove what is alledg'd concerning Judge Holder. *Endorsed as preceding.* 4 pp. [C.O. 28, 7. No. 54; and 29, 9. pp. 56-60.]

Oct. 19. **612.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. *Enclose* account of incidental charges of the office, Midsummer to Michaelmas, amounting to 73*l.* 10*s.* 3*d.*, with the particulars certified. [C.O. 389, 36. pp. 222-224.]

Oct. 20. **613.** Lt. Governor Bennett to [?]. *Acknowledges* Lord Nottingham's letter of Feb. 23 in packet of May 4 etc. *Encloses following.* I shall send a copy to the Governor of Jamaica. *Signed,* Ben. Bennett. *Holograph.* 1 p. *Enclosed,*

613. i. Deposition of S. Scares, Master of the sloop *Benjamin and Mary*. Arriving at Jamaica in July from these Islands with a quantity of onions, Mr. Fuller, boatswain of H.M.S. *Hulk*, bought them for 210*l.* Jamaica money. He paid him 50*l.* and to make good the remainder put on board a quantity of cordidge to be sold in Bermuda, part of which deponent now apprehends belonged to H.M. This part was seized and secured by H.E. order for H.M. use. *Signed,* Solomon Scars. Sept. 19, 1704. *Copy.* 1 p. [C.O. 37, 26. Nos. 5, 5.i.]

Oct. 20. **614.** Lt. Governor Bennett to the Council of Trade and
Bermuda. Plantations. *Acknowledges letters and begins as preceding.* *Concludes:* By my brother I understand that the patentees for

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wrecks have not only sued me in the Court of Admiralty, but have also exhibited a Bill in Chancery relating to the French vessell that was lost on the sholes of these Islands some time since, so that I know not who to be accountable to, neither after this method will there be much left to account for, for what rigging and logwood was saved cost me very dear, it being recovered by boats and divers above 20 miles from the place of my residence, and about 10 miles from the nearest part of any land; and for the first week she came on the rocks I employed above 100 men, 20 boats and a sloop, to endeavour to get her off for H.M. service, which was very expensive to me, no person having less than half a piece of eight a day, besides paying for the boats and sloop, and the French prisoners' depositions demonstrated there was no kind of merchandize on board, but 82 tun of logwood, all which has not been taken up. I have no news to acquaint your Lordships with but that it is at least as dangerous to goe to Barbadoes or any the Leeward Islands, as from hence to England, the privateers are so thick, which makes me in pain when I send a packet that way. *Signed*, Ben. Bennett. *Endorsed*, Recd. Feb. 12, Read March 6, 170 $\frac{1}{2}$. *Holograph*. 2 pp. [C.O. 37, 7. No. 3; and 38, 6. pp. 95-98.]

Oct. 20.
Whitehall.

615. W. Popple, jr., to Mr. Lowndes. *Encloses* letter from Dep. Governor Sir Nathaniel Johnson, July 13, 1703 [q.v.], with depositions. The Council of Trade and Plantations desire you to move my Lord Treasurer that their Lordships may have the opinion of the Commissioners of Customs thereupon. [C.O. 5, 1291. p. 59.]

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Whitehall.

616. W. Popple, jr., to the Governor of the Royal African Company. *Encloses* copy of Sir N. Johnson's letter July 13, 1703. The Council of Trade and Plantations desire that you will return an answer of what you know or have to propose thereon. [C.O. 5, 1291. p. 60.]

Oct. 24.
Whitehall.

617. Council of Trade and Plantations to Governor Sir B. Granville. A Petition having been presented to H.M. by Mr. Foulerton [see July 6], H.M. has directed us to send you a copy, and to take notice of the delays and obstructions of justice complained of by the Petitioner, and require you to take care that the administration of justice be expedited in the Petitioner's case and in all others as the Law directs, and to signify to you H.M. pleasure, that if Thomas Maycock do by means or under the protection of any office he may enjoy, continue to impede or obstruct the course of justice in the present case, you do then suspend him from such office, and particularly that of Judge, untill ye cause or causes in which ye said Maycock and ye Petitioner are concerned shall be determined. [C.O. 29, 9. pp. 67, 68.]

[Oct. 24.]

618. Henry Furnesse to the Council of Trade and Plantations. *Prays* for directions to finish the Seals begun for the

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Plantations by his grandfather, Henry Harris. *Endorsed*, Oct. 24, 1704. 1 p. [*C.O.* 323, 5. *No.* 64; and 324, 9. p. 37.]

Oct. 26. **619.** Order of Queen in Council. Referring enclosed petition
St. James's, to the Council of Trade and Plantations to report what they
conceive fit for H.M. to do thereupon. *Signed*, John Povey.
Endorsed, Reed. Oct. 31, Read Nov. 2, 1704. 1 p. *Enclosed*,

619. i. Petition of Richard Bayly and other merchants of
Bristol to the Queen. Their ship, the *Expectation*, did
in May last sayle for Virginia under ye West India
Convoy, there to load tobacco and return for Bristol.
They fear an embargo which will not only endanger
the loss of the ship by the worms, but also the lives of
the saylors by the seasoning of the country, or by
returning in a leaky ship, beside other great losses to
petitioners. *Pray* for an Order that yt. ship may have
liberty to return as was granted to the *Tyger*. *Copy*.
1 p.

619. ii. Report of H.R.H. March 18, 1704, that the *Tiger* be
permitted to return from Virginia. "When such
embargoes are layd in Virginia it is done without the
authority and order of the Lord High Admirall." *Signed*,
George. *Copy*. 1 p. [*C.O.* 5, 1314. *Nos.* 32, 32.i., ii.;
and 5, 1361. pp. 34-36.]

Oct. 26. **620.** Lt. Governor Bennett to W. Popple. *Encloses* copyes
Bermuda. of papers sent Aug. 12, etc. *Signed*, B. Bennett. *Endorsed*,
Reed. Feb. 12, Read March 6, 170 $\frac{3}{4}$. *Addressed*. *Holograph*.
Postmark. 1 p. *Enclosed*,

620. i. List of Commissions (15) granted by Lt. Governor
Bennett, July, 1701—June, 1704. 1 p. [*C.O.* 37, 7.
Nos. 4, 4.i.]

Oct. 26. **621.** Royal African Company to the Council of Trade and
African House. Plantations (Oct. 19). In Nov. 1702 the French with two ships
surprized and took their fort called James Fort in the River of
Gambia, and pillaged the same. Capt. Daniel Johnson, whom
the Company intrusted with their ship the *St. Christopher*, was
at the same time with a considerable cargoe trading up the
River Gambia, and at his return finding the Companies fort had
been plundered by the French, he combining with one Humphry
Chisnull, another of the Company's servants, ran away with
said ship and cargoe with such slaves, teeth and wax, which he
had traded for as aforesaid, to his Father at Bermudas, where
he sold most of the slaves, teeth and wax, and converted their
product to his own use, and afterwards burnt the *St. Christopher*
at Turks Island. The Company so soon as they heard Johnson
was runn away with their ship, sent letters to all the Islands in
the West Indies, where they hoped to meet him, upon notice of
which the Governor of Bermudas seized him, and by H.M. order
sent him home a prisoner, but he made his escape in the night
out of the ship that brought him to a port in England. Since

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which the Company at their great expence have seized Johnson, and intend to prosecute him for his crimes. They never trade to Carolina, nor ever intended the *St Christopher* should be carried thither with slaves or any other comoditys whatsoever. And further to satisfy their Lordships in the truth of the particulars above recited, they herewith also send a copy of an affidavit made by one that was present with said Johnson at Bermuda and other places in the West Indies. If their Lordships will please to send copies of the affidavits mentioned in Sir N. Johnson's letter, perhaps they may give them some further light into Johnson's evill practices. *Signed*, John Perry, Secry. *Endorsed*, Recd. Read Oct. 27, 1704. 1 p. *Enclosed*,

621. i. Affidavit of Wm. Norris referred to in preceding. 1½ pp. [*C.O.* 5, 1262. Nos. 89, 89.i.; and 5, 1291. pp. 61-67.]

Oct. 26.
Whitehall.

622. Council of Trade and Plantations to the Lord High Treasurer. Pray for directions in the matter of the seals for the Plantations [see Oct. 24]. [*C.O.* 324, 9. pp. 38, 39.]

Oct. 26.
Whitehall.

623. Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands [July 1 and Sept. 21], we have proceeded as far as possible in the examination of that whole matter in order to the presenting a Report thereupon to your Majesty, as soon as the nature of the business will permit. But whereas in the course of our enquiry we do find that the late disorders in Barbados, which have given rise to these complaints, have been occasioned by an usage or custome in that Island, requiring 15 Members to make a quorum, the whole number of the Assembly as elected being 22, of which usage 8 of the Assembly taking advantage and intending thereby to defeat the passing of a Bill brought into the House, have wilfully contrived to absent themselves from the Assembly, notwithstanding the frequent admonitions of your Majesty's Governor and Council, as well as of the President and Council before the Governor's arrival, and their being censured for such absence even by those Counsellors who likewise appear in opposition to the Governour, and notwithstanding the endeavours of the major part of the Assembly to reclaim such absenting Members, and to bring them back to their duty. This evill practice having so far prevailed in Barbadoes that from Oct. 27, 1702, to Nov. 24 following, and from Jan. 7, 1703, to March 2 following, the Assembly was forc'd to adjourn themselves, by five severall adjournments, before the arrival of your Majesty's present Governor, and since that time so frequently that there has been and yet was at the coming away of the last packet (as appears by the Minutes of the Council transmitted from thence) a total cessation of business in the Assembly, the absenting Members having publicly before your Majesty's Governor and Council declared as follows, vizt. "That when any Bills were before their House that they did believe for the service of the country and your Majesty's honour, they would attend, and when they did believe the Bills to be otherwise they would again leave the House," which implyes an unwillingness

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in them to trust your royal power of repealing laws in the Plantations, if unfit or unduly made; and has greatly endanger'd the safety of the Island by the discontinuance of the usual revenue and of the necessary provisions for the publick security against the will and endeavours of the major part of the Assembly, and will intirely obstruct the course and administration of the Government, which we are humbly of opinion may be in a great measure prevented for the future, by your Majesty's reducing the quorum of the Assembly of Barbadoes to 12, being the major part of the whole number, no law appearing to us upon the strictest examination to have past in Barbadoes to hinder this exercise of your Majesty's royal prerogative, by which the methods and forms of Government are established in your Plantations. And if your Majesty shall be graciously pleased to approve of this method, we humbly offer that your Majesty's pleasure herein be signified under your royal sign manual to your Majesty's Governor and Council of Barbadoes to be communicated by them to the Assembly, and registred in their Books, for their guidance and direction, which we humbly conceive may hinder the like obstruction of Proceedings in the Assembly, by Members wilfully absenting themselves, and much facilitate the expeditious transacting of affairs in the General Assembly of that Island. And whereas on this and many other occasions, we have observed the earnest and pressing endeavours of severall persons to obtain the honour of being of your Majesty's Council in the Plantations, without the knowledge and recommendation of your Majesty's Governour, have been in order to the sheltring themselves by the priviledge of their places from prosecutions on account of debts and for other indirect ends and purposes, we further humbly propose that your Majesty would be pleased likewise to declare by your signet and sign manual, that no Counsellors in the Plantations have or ought to have by virtue of their places any priviledge which may tend to the interrupting of justice, or to the giving them any protection to the detriment of other your Majesty's subjects in the recovery of their rights in the severall Plantations. [C.O. 29, 9. pp. 69-75.]

Oct. 26. **624.** Order of Queen in Council. Referring back *above*
St. James's. Representation to the Council of Trade and Plantations, who are to consult Mr. Attorney and Solicitor General what method they can propose for punishing such Members of the Assembly of Barbadoes as wilfully absent themselves from the said Assembly. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 27, 1704. $\frac{3}{4}$ p. [C.O. 28, 7. No. 56; and 29, 9. p. 76.]

Oct. 27. **625.** W. Popple, jr., to Mr. Attorney and Mr. Solicitor
Whitehall. *Encloses* copy of above Order and Report with an extract of the Governor's Commission "whereby Assemblys are constituted in Barbados. The Council of Trade and Plantations desire your opinion thereupon as soon as may be, the administration of the Government there being at a stand, and the Island in great danger." [C.O. 29, 9. p. 77.]

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[?Oct. 27.]

626. Mr. Roope to the Council of Trade and Plantations. The encroachments that the French have made, your Lordships are very sensible hath been a vast national loss, but now in my weak judgement there is a good opportunity of redressing it, for Placentia, the only garrison they have in this country, is weak'n'd very much, for the said garrison did contain 150 men, but now reduced to 117 there, a draught of 15 sent to Quebeque, and 18 come over to our parts, who declare that the rest are generally dissatisfy'd in their Governour, and both these and those that came last year, and the prisoners doe all agree that if Admiral Gryden had attack'd it, he had certainly carry'd the place. It is therefore humbly offer'd, that if there be a competent number of ships, soldiers etc. sent early in the spring, so as to be here in March or Aprill, Placentia may be reduced and their Fishery both on the coast and bank destroyed. The Americans coming hither in shoales doe much hurt the Fishery by bringing such quantitys of rumm etc., which is so much coveted by the fishermen that they will be intoxicated with it, even in the heighth of the Fishery (which is very short) to their utter undoing, and very often also of those that employ them, to the great decay of the Fishery, and in the end of the fishing season they carry great numbers of seamen to the parts of America, which otherwise would goe for England, and so H.M. Navy would be better mann'd. The Scotts also of late do pry into this Trade, even several of them that have no familiys in England, which also may be of dangerous consequence, if not timely prevented, for their men working for little wages and things in their country cheape, will be able to undersell us in fish when abroad, and so get when we loose, and so work us out of this Trade, and then in little time gett seamen and treasure, and then doe as others have done in this last age. As to the fortifications, my opinion is, that it is absolutely necessary that there be a stone fort, of about ten gunns, on a raising rocky ground, called Crawly's Battery, and is on the East side of the South Castle, by which means the said Castle will be secured from any battery that can be raised on that side, and also it will very much annoy the ships that shall pretend to enter in an hostile manner, and that there be another stone fort of like force built on the North side of the entrance of the Harbour near the North Battery, and also one of about 6 gunns on a rising ground fronting the entrance of Quide Vide, and that the gunns that are now on the open Batterys of Ringnoon, Gassicles, and North Battery, be put in those forts, and here no double-head shott, it would be needfull that there be at least 40 rounds of double-head shott for the 4 cannon of seven that are here, and the like quantity for the four 24 pounders; and that the gunn-carriages that were cast in the survey of this year be exchanged, as also a quantity of powder and small armes, a duplicate of all which is sent by the gunner to the Office according to the survey, and that there be an armourer allow'd, for want of which many armes are spoyl'd. And that there be yearly an exact inspection into the carriage of the Commanding Officer toward the soldiery, how they are paid their subsistance, and how serv'd in victualls etc., ye inspection

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to be made by the Commadore and the Admiralls of the Harbour in the presence of all the Masters of the fishing ships and signed by them all, for one may be byass'd when so many cannot, and this will certainly prevent so large desertion as there has lately been at Plasentia, and indeed is generally belevied would have been here if Capt. Lloyd had not been suspended and Lieut. Moody put in his place. It is also prejudicial for any Commission Officer to trade in this place or any way to intermeddle with the Fishery, for by their haughty and soldier-like way they scare (nay sometimes beat) those poor people out of their right, and they are not able to spare time or money to get redress. I have about 8 or 10 days work more to finish the boom in which shall put about 120 tunn of timber, it had been finished long since, had I had the required assistance from Capt. Lloyd, and above 70*l.* saved in. *Signed*, John Roope. *Endorsed*, Recd. 8th, Read Dec. 12th, 1704. 1 *large p.* *Enclosed*,

626. i. Deposition of John Roope as to Capt. Lloyd's refusing to let his men assist in fixing the bomb (boom) at St. John's. Sworn in the presence of David Roberts, Admiral, Henry Hayman, Vice-Admiral, Samuell Hayman, Rere-Admiral. *Copy. Endorsed as preceding.* 1 *p.* [*C.O.* 194, 3. Nos. 36, 36.i.; and (without enclosure) 195, 3. *pp.* 354-359; and 385-389.]

Oct. 28.
Whitehall.

627. Mr. Lewis to Mr. Popple. Mr. Secretary Harley having received information that one Frederick Gustavus Man, a subject of H.M., is brought in custody from Jamaica by Capt. Andrew Douglas, H.M.S. *Norwich*, desires to know whether the Captain has given any account of this man to the Council of Trade and Plantations, and if he is a prisoner of State, why the Government is not acquainted with it. *Signed*, E. Lewis. *Endorsed*, Recd. Read Oct. 31, 1704. 2 *pp.* [*C.O.* 137, 6. No. 68; and 138, 11. *p.* 339.]

Oct. 30.
Virginia,
Williamsburgh.

628. Governor Nicholson to the Council of Trade and Plantations. Hearing of another accidental opportunity of writing for England, I send a duplicate of what I wrote the 7th inst., since which little hath happened, only concerning the Nansiatico Indians, five of which were hanged, and what is done concerning the rest of them, I humbly transmit the proceedings. Our General Court, I thank God, ended on Friday, none were condemned to dy, only one to be transported to the West Indies. I thought H.M. interest and service and likewise the Country's required my speaking to the Grand Jury, (who were all upon their oaths) about Mr. Robert Beverley's letters, the proceedings concerning him I herewith transmit. This man's actions are agreeable to the rest of the party, or rather faction: for they will not be satisfied except they can rule and do what they please, and if they are not suffered so to do, then oppression and arbitrary proceedings is their cry: and no doubt with him, if they don't succeed in what they have a mind to, they will even tax her most sacred Majesty and the Rt. Hon. the Lords of her most honble.

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Privy Council, as he hath done about his unfair trial, as he calls it. In his narrative (as he calls it) he hath done me the honour to joine me with the Parliament of England, and the tobacco-merchants *etc.* I am now every day in hopes of receiving her most sacred Majesty's Royal commands, as likewise those of your Lordships, which shal be most readily and chearfully obeyed by *etc.* *Signed, Fr. Nicholson. P.S. I thank God that both H.M. Revenues and likewise those of the Country, are considerably in bank, and this H.M. Colony and Dominion is in peace and quietness, and that these things may so continue are the prayers to God Almighty, of Fr. Nicholson. Endorsed, Reed. 2nd, Read May 31st, 1705. 1 p. Enclosed,*

628. i. Proclamation proroguing the Assembly of Virginia to April 18. *Signed, Fr. Nicholson, Oct. 26, 1704. Endorsed as preceding. ¾ p.*

628. ii. (a) Robert Beverley to Major David Gwyn, in Richmond County. London, Feb. 12, 170¾. *Encloses following narrative* "which is not the tenth part of what appears here of the designs of slavery and ruine to our poor country, and is no way to be helped but by the removal of our Duke from among us, which one true representation from our Assembly would do, nothing supporting him so much as the flattering addresses he obtains by the many inventions he uses with the Assembly, Clergy and others, bestowing promises and offices only the better to obtain his other ends" *etc. Signed, R. Beverley. Copy. ½ p.*

(b) *Copy of Mr. Beverley's Narrative.* London, Feb. 12, 170¾. Our poor unfortunate country feeds the fire in its own house with Addresses and nourishes Vipers with flattery. I was altogether in the dark till I came here. I esteemed our Duke's behaviour to be no more than the effect of his pride to hector and domineer *etc.* and could never have imagined the dilligence and means he uses in seeking a despotick power by authority from hence, and a back of Military force and Martial Law to support it. I thought some merchants here might have been satisfyed in making a trade of us in the sale of our tobaccos *etc.*, and did not think they had busied themselves in matters of State to keep us underlings and poor, prying into our Laws and improvements, and opposing privately anything that might tend to the advantage of our manufactures, ports or towns, wch. they knew would soon make us a brave Country and teach us to make ye best of our Commoditys. I thought when old Randolph was dead, his place could not have been filled with such another pest to mankind, but here's his successor ten times worse; nay the Devil himself, were he in his room, could not do us more mischief nor frame grosser lyes against us. He has got some credit here and his storys have a mighty weight *etc.* Here's our Duke and the

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said successor of Randolph echoing one another in all points *etc.* It is not unknown to my father Byrd how he and his son have been misrepresented. Several of the particular characters wch. have come to my hand I have communicated—characters of Col. Carter, Col. Ludwell, B. Harrison, N. Harrison, Mr. Drummond, Capt. Marable, Esq. Luke, Fr. Jones, Jno. Page, Mr. Fouace, Mr. Wallace, Mr. Blair and myself,—and the method is to abuse all that come for England, or whose names are but known in England, if they will not be bribed to speak in his behalf, as some now in England have done, who basely betray their country and posterity for ye sake of 20 guineas bestowed on them at coming hence. I have obtained copys of some of the Memorials (one of wch. I had of Mr. Fouace) and have sent them into the country. I suppose they may come to your view in the circuit, if they 'scape surprize. By these Memorials the Council in general are represented as vain, cowardly, disloyal to H.M. and perjured, not regarding their oaths, the Assembly a pack of rude, unthinking, wilfull, obstinate people, without any regard to H.M. or her interest, and 'tis laid as a crime to them that they think themselves entituled to the libertys of Englishmen: but ye most of all these Memorials I cannot obtain a copy of, the Clerks have denyed gold for it, and the Committee have denyed it to my brother Byrd, whom I gott to ask for a copy of it as Agent, but I have another trial to make. By them you may also see how early our Duke (notwithstanding his fair pretences of loving the Country and the natives thereof, and particularly one of them) made it his business and study to prey upon our poor country and render it needy and ruinous, discouraging all manufactorys, keeping us only to tobacco, disheartening all pretences of priviledges as English subjects, giving odious characters and misrepresentations of every gentleman that says not as he says, seeking and continually moving for Acts of Parliament against us, and urging and inciting the Crown and Court of England into an ill opinion of us by odious and false descriptions *etc.*, which have already brought two Acts of Parliament upon us, one to burden our trade and commerce from one Plantation to another, least we should thrive too fast and grow too great, viz. the penny per pd. Act; and the other totally to suppress our commerce in wool, cotton *etc.*, and now seeking and urging by all the ways they can invent for another Act of Parliament to levy the Quotas of men and money for New York upon us, crying up the necessity of our supporting New York and that it is our only Barrier, ridiculing the votes of our Assembly, representing us a rich, populous and obstinate people, of Commonwealth principles, and must be corrected and lowered in time,

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thereby to get a Military Force ; giving many reasons for a grant of our Quitrents and publick money (which is represented 10,000*l.* beforehand) to be applied to New York, and putting that Country upon moving in ye same manner. But what I take to be the most dangerous, and comes nearest to ye loss of our lives and libertys, as well as estates, is the many inventions and unsuspected arguments that are constantly used in all letters and memorials to obtain a standing force, and a title of Capt. General over all the Plantations on ye Continent, the colour of weh. at this time is a proposition of conquering Canada, and seems indeed a very good cloak for what is mainly intended by it (altho I am well assured, and some now in Virginia can informe you that he had this design in his head in time of peace and talked frequently of it with great satisfaction and delight, when there was peace and no war thought on) and if he once obtain such a Commission, Martial Law is the consequence, and it will then be too late to remember his threats so often used of taking and arming all our servts., of bringing the Burgesses with ropes about their necks, and daring that Assembly that should deny him anything *etc. etc.*

(c) Proceedings of Council of Virginia upon above, Sept. 28, 1704. H.E. caused above letter and narrative to be read, and asked the opinion of the Council, whether the same, if they should be dispersed, may affect the peace of the Country. The Council declared their opinion that it would not. H.E. caused his opinion to be entred : "As to Mr. Beverly's letter and narrative they are part false, part scandalous and part malicious, but I could not expect otherwise from a man of his universal ill character : but I suppose his pride, ambition, vanity, unsettledness in all his conditions and his poverty might make him hope to make a sedition in the country. The advice I give him is to get himself elose shaved and make friends with the Governors of H.M. hospital of Bedlam to get a place there, and there he may meet with real chaines instead of imaginary ones that I was preparing for H.M. loyal and dutiful subjects of Virginia. And as for my own actions I appeal to the several Records of the Country, and for what I have written by letters, I have the eopys of them all, and I shal endeavor (God willing) to maintain and justify them, whenever I shal be legally .ealled to an accot. of them." *The whole endorsed as preceding.* 4 pp.

628. iii. (a) R. Beverley to Wm. Blackbourne, mercht., in Gloucester County. London, Feb. 12, 1704. My cause is over and gone against me, having had as unfair a trial here, as ever I had there. We have no certainty of a change of Governors as yet, wherefore am not willing to trust myself to his ill-usage again. I resolve to sitt

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down here and sell my own tobacco when it comes home, and if you or any of my friends will trust me with theirs, *etc.* 'Tis expected we shall send a Guard-ship to you. The Govr.'s Agent is soliciting for one to be under his command.

(b) The Grand Jury to Governor Nicholson. We refer the case of the Nanziatco Indians now in custody to your Excellency and the Council. As to Mr. Beverley's letters and narrative, we are humbly of opinion that it is false, scandalous and malicious, but as we come from ye sevll. parts of the Colony, we find it in genll. so well satisfied with ye Constitution of its Government under your Excellency that we can't believe it will affect the peace thereof. *Pray for the continuance of his Government.* Signed, Geo. Clough, Wm. Randolph, jr., Jno. Talliaferro, Sampson Darrel, Richd. Littlepage, Tho. Tunstall, Jos. Brodbent, Henry Spratt, Tho. Parker, Tho. Pettit, Saml. Fox, Antho. Holladay, Ja. Wilson, Sam. Bridger, Wm. Timson, Gideon Macon, Tho. Ballard (Foreman), Jno. Major, Richd. Wyat, Nath. West, Jno. West, Cha. Baily. H.E. thanked them *etc.*

(c) Justices of the Peace of King and Queen County to Governor Nicholson. Robert Beverley, Clerk of our Court, hath in confederacy with some other factious persons in our County, stirred up sedition, faction *etc.*, which, if not timely prevented, may occasion the breach of H.M. peace *etc.* *Pray that he may be removed from his office of Clerk, and for H.E. long Government etc.* Signed, Wm. Leigh, Richd. Gregory, Tho. Paullin, Richd. Anderson, Jno. Story, Geo. Braxton, Tho. Petit, James Taylor, Sheriff. *The whole endorsed as preceding.*
2 pp.

628. iv. Copy of Minutes of Council and General Court of Virginia, Aug. 8 and Oct. 16, 19 and 21, 1704, relating to Mr. Ballard, Samuel Selden and Mr. Beverley. Upon the Order of Council, Jan. 20, 1703¹, the case of Ballard *v.* Beverley was referred to the General Court (Aug. 8) and on Oct. 16 ordered to be heard on Oct. 19, when Defendant's Attorneys said they had no instructions to appear. Whereupon Petitioner's Council prayed judgement. H.E. ordered Petitioner's Council to put their prayer in writing to-morrow, because Defendant had reflected on his tryall both here and in England. H.E. produced his letter to Mr. Blackbourne [*above*], and desired the Court to give him an answer [*thereto*] to-morrow. Oct. 21. The Court unanimously reported that the cause was heard with all patience, justice and circumspection, and all parties fully and fairly heard. In the action of Francis Ballard *v.* R. Beverley, Deft., upon H.M. Order in Council, Jan. 20, 1703(4), whereby the Judgment of this Court, April 24, 1703, is declared

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null and void, and Deft. not appearing, petitioner moved that the said judgment be reversed and that writ of possession might issue. Ordered accordingly, and that Deft. pay the 5*l.* ster*l.* costs allowed by H.M. Order with all other damages and costs. *Endorsed as preceding.*
Copy. 2 $\frac{3}{4}$ pp.

628. v. (a) Report of the Commissioners of Oyer and Terminer recommending to merey two Nansiatico Indians condemned to death, but used as Queen's Evidence in connection with the murders *below*. *Propose* that the other Indians in custody be transported out of this Government. *Signed*, Wm. Robinson, Cha. Barber, Joshua Davis, Cha. Ashton, Hen. Ashton, Caleb Butler, Wm. Tomlin, Robert Brooke, Jno. Craske, Robert Carter, John Smith, Peter Beverley, Wm. Cattler, George Taylor, Alexr. Donaphan [*? Donovan*], John Deane, John Tarpley, Tho. Beale.

(b) Minutes of Council of Virginia, Oct. 17–21. The Council advise that the said Nansiatico Indians be brought to the publick goal at Williamsburgh until the meeting of the General Assembly. *Same endorsement.*
Copy. 2 $\frac{1}{2}$ pp.

628. vi. Abstract of Proceedings of a Commission of Oyer and Terminer for trial of Indians in Richmond County for the murder of John Ro[w]ley, Cath. Ro[w]ley, Wm. Ro[w]ley and Mary Webb. Seven Indians were found guilty and condemned to be hanged. *Endorsed*, Reed, May 2, 1705. 2 pp. [*C.O.* 5, 1314. Nos. 35, 35.i.–vi.; and (*without enclosures*) 5, 1361. pp. 233–236.]

Oct. 31. **629.** W. Popple to Micajah Perry and Peter Paggan. The
 Whitehall. Council of Trade and Plantations desire to speak with you to-morrow in relation to a petition concerning the *Expectation* now in Virginia. [*See Oct.* 26.] [*C.O.* 5, 1361. p. 29.]

Oct. 31. **630.** W. Popple, jr., to Erasmus Lewis. In reply to yours
 Whitehall. of Oct. 28, the Council of Trade and Plantations have no information. [*C.O.* 138, 11. p. 340.]

Oct. 31. **631.** Order of House of Lords, that the Council of Trade and
 Plantations do lay before this House an account of the state of the trade of this Kingdom since last Session. *Signed*, Mat. Johnson. Cl. Parl. [*C.O.* 389, 18. p. 204; and 412, 549. p. 222.]

Oct. 31. **632.** W. Popple, jr., to Mr. Cary. The Council of Trade
 Whitehall. and Plantations desire to know what sort of guns are proper for Castle Island. [*C.O.* 5, 911. p. 396.]

Nov. 1. **633.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Hedges. Mr. Bonet, Minister of the King of Prusia, having sent to our Secretary a paper relating to a Colony to be settled in

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H.M. Plantations, we have not thought it proper for us to proceed thereon without H.M. directions, and do therefore transmit the same to you to be laid before H.M., if you shall so think fit. 1 p. *Enclosed*,

633. i. Extract of a letter from P. Dupuy, Berne, Sept. 6, 1704. A merchant druggist of this town, a very honest man, has formed the design of going to Virginia or Pennsylvania, if he can learn the state of those countries, and could make some establishment there. He would take several artisans with him, if the Queen would grant him a certain quantity of land with some materials for building, some privilege for 10 years in favour of their work, and a free passage from Rotterdam, etc. *French. Copy.* 1½ pp.

633. ii. M. Bonet to [? W. Popple]. I beg you to lay before the Commissioners of Trade the enclosed letter from M. L'Avocat-General Dupuy to H.E. Monsieur le Baron et Ambassadeur de Spanheim, etc. *Signed*, Frid. Bonet, Suffolk Street, Nov. 1, 1704. *French.* [C.O. 5, 3. Nos. 19, 19.i.; and 5, 1361. pp. 30-33.]

Nov. 1.
Whitehall.

634. Mr. Secretary Hedges to the Council of Trade and Plantations. *Encloses* following for their report. *Signed*, C. Hedges. *Endorsed*, Recd. Read Dec. 5, 1704. 1 p. *Enclosed*,

634. i. Mathew Plowman to the Queen. See *Cal.* 1700, No. 807. i. Claims for 600*l.* ½ p. [C.O. 5, 1048. Nos. 93, 93.i.; and 5, 1120. pp. 231, 232.]

Nov. 2.
Whitehall.

635. Extract of a letter from Capt. Wenham to [?]. I have seen a Proclamation for settling the money in these parts. It will certainly ruin these parts that have not staple commodities of their own produce to answer what effects they receive from England, so all the money must goe, and if noe cash among us no Trade, and as 'tis settled we can't buy a loaf of bread or a joynt of meat for our Family, for 'tis hardly possible to weigh or compute every groat and sixpence wee pay, if they had sett our small money at a certain rate without weighing and have weighed nothing under a piece of eight, and allowed a piece of eight of 17*dut.* to pass for six shillings, must [? *might*] have been tolerable, but to weigh all small money, and to sett the standard 17½*dut.* when not one piece in a hundred weighs so much, we cannot but think those that recommended that to be done understood little of the matter, and if not undone, we are soe. *Endorsed*, Communicated to the Board by Mr. Blathwayt. Recd. Read Jan. 9, 170½. 1 p. [C.O. 5, 1048. No. 94.]

Nov. 2.
New York.

636. N. Cary to the Council of Trade and Plantations. In reply to letter of Oct. 31, I am advised by Gentlemen conversant in Military affairs that six 42 pounders and fourteen 32 pounders are necessary for H.M. Fort on Castle Island; with 200 rounds of shot and 100 barrels of powder, 500 small arms and cutlasses with 100 pair of pistolls and bayonets are the least that will be

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necessary for defence of H.M. Province. *Signed*, Nathl Cary. *Endorsed*, Recd. Read Nov. 2, 1704. 1 p. [*C.O.* 5, 863. No. 121; and 5, 911. pp. 397, 398.]

Nov. 2.
London.

637. Attorney General to Mr. Popple. I am at a loss to find how a quorum of 15 became necessary to make an Assembly [see Oct. 26], the whole number being but 22, and H.M. Instruction to the Governor empowering him to make Lawes with the consent of the Assembly or ye Major pt. of ym. wh. is 12, and wee taking it (the contrary not appearing) that the right of having an Assembly arises only from the Commission to the Governor, there not being any direction therein to have 15 to make an Assembly, wee desire to be informed how 15 comes to be necessary, wt. orders of H.M. predecessors or other Acts have been declaring that 15 at least must be present. I have perused the Lawes of Barbadoes, and find nothing in ym. touching ye necessity of having 15; as to an immemorial usage, yt can not be pretended too, that Island having gained in less yn within 100 years past. Soe soon as I have ye answer to this matter, Mr. Soll. and myselfe will despatch the papers back to the Lords Commrs. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Nov. 3, 1704. *Holograph*. 1 p. [*C.O.* 28, 7. No. 57; and 29, 9. pp. 78, 79.]

Nov. 3.
Whitehall.

638. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations direct me to answer [to *preceding*] that it is agreed by both contending parties that such an usage or practice has obtained in the Assembly since the settlement of Barbadoes in 1627, but when the said practice begun, they doe not find, nor any Law relating to Assemblies otherwise than for their annual sitting. The Constitution of such a Quorum seems to their Lordships to be particular order of these Assemblies, which therefore they conceive may be altered by H.M. *Encloses* extract of Lord Carlisle's Patent of 29th Sept., 1629, for the Propriety of that Island, concerning the Legislature. [*C.O.* 29, 9. pp. 80, 81.]

Nov. 3.
Whitehall.

639. W. Popple, jr., to J. Burchett. *Encloses* letter etc. from Governor Handasyd (June 17) to be laid before H.R.H. the Lord High Admiral's Council. [*C.O.* 138, 11. pp. 342, 343.]

Nov. 4.
Whitehall.

640. W. Popple, jr., to Wm. Bridges. The Council of Trade and Plantations desire you to inform them as soon as conveniently you can whether the stores demanded for Barbadoes March last have been sent, etc. [*C.O.* 29, 9. p. 82.]

Nov. 4.
New York.

641. Governor Lord Cornbury to the Council of Trade and Plantations. The Assembly of New Jersey met Sept. 1st, to which time I had adjourned them by Proclamation. I was in hopes they would have done what might have been expected from them; but they fell upon the Proprietors' Bill again, and

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never brought in any Bill to settle a Revenue, till soe late that they knew I could not stay to pass it, because I was to meet the Assembly of New York, besides the sum was not suitable to the occasion, for they proposed to settle noe more than 1,000*l.* a year, and but for 3 years, indeed at last they would have made it 1,500*l.*, but I saw very plainly that they did not intend to doe anything, so upon 28th 7ber. I dissolved that Assembly, and in few days issued writs for another, which I hope will doe better, to meet Nov. 9 at Burlington. I intend in two days to set out for that place, though it is very late in the year. The Quakers in West Jersey interrupt the proceedings in Courts of Judicature very much, for now they find that they are admitted into all manner of employments without taking of oaths, their consciences are so tender that they can't suffer an oath to be taken in their presence, soe that either Quakers must not be admitted to sit in Courts of Judicature, or else all causes must be tried by Jurys who have taken noe oaths, and upon the evidence of witnesses not sworn. I think it would be much more for the service of the Queen that none should be admitted into employments but those who are willing to take the oaths; the people in New Jersey seem uneasy at the qualification prescribed for persons to serve in the Assembly, they could rather wish that each County might send two, and I am of opinion we should have better Assemblys if it were soe, then we have now, however I shall be able by the next vessel to give your Lordships an account what the new Assembly will do. *Signed, Cornbury. Endorsed, Recd. Jan. 16, Read Feb. 2, 1704 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 970. No. 22; and 5, 994A. pp. 186-188.]*

Nov. 6. **642.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. Dr. Bridges, Chief Justice of this Province, is dead. That there might be no failure of justice, I have appointed Roger Mompesson to be Chief Justice till H.M. pleasure may be known. I hope she will be graciously pleased to confirm him in that place; he has held two Courts already, in which he has given general satisfaction to all people, and has dispatched a great many causes which had been depending a great while. I dare be bold to say he will serve the Queen with the utmost fidelity, and indeed in this country that place should be filled by a man of resolution, which Mr. Mompesson does not want, *etc. Signed, Cornbury. Endorsed, Recd. Jan. 16, Read Feb. 1, 1704 $\frac{1}{2}$. Holograph. 1 p. [C.O. 5, 1048. No. 95; and 5, 1120. pp. 243-244.]*

Nov. 6. **643.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. *Repeats beginning of letter June 30 [No. 427]* and refers to proposed meeting with Col. Nicholson and Col. Seymour, "at which time I likewise hoped we should have seen Col. Dudley, he having writ me word that he would meet them here, I did intend to have proposed to them the laying a tax in each Province by Act of Assembly, for the settling and defraying the charges of the post, which then might have gone from Boston to North Carolina, but this meeting was hindered by several accidents, first Col. Dudley was busy about his

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expedition to the Eastward, Coll. Nicholson was hindered by the sitting of the Assembly of Virginia, and as soon as the Assembly of New York was over and I thought to go into New Jersey, to the Assembly which was to sit at Burlington, I was forced to adjourn them, in order to go up to Albany, where there was an alarm that the French were marching towards that place with 1,000 French, and Indians. I went and when I arrived there I found the people in a very great consternation, but that was over in a few days by the arrivall of some Indians I had sent out to see if they could discover any numbers of men marching our way, at their return, they informed me they had been as far as the Lake without seeing anybody, but that upon the Lake they had met some of the Ottowawa Indians, who had informed them that 300 French and Indians were marched with a design to attempt Northampton in New England, but that they could not find there were any marching our way; however, by this accident, I had an opportunity to see how far we may depend upon our own people, and the Indians too in case of need, and I must say the Militia of the County of Albany were very ready if the enemy had been coming, I could in 48 hours time have drawn together upwards of 700 men, reckoning the garrison, the Militia of Albany and that of Ulster Countys, and the Indians of the Five Nations were soe ready that they all left their Castles, and were coming towards Albany before I could send them any orders; at the same time that I was at Albany, where I stayed but ten days, there was an alarm at New York occasioned by a gentleman who, coming from Long Island, informed the Councill that 10 French men of warr were come within Sandy Hoock, and upon this the Gentlemen of the Councill sent an expresse to me to desire me to make what hast I could downe to New Yorke, and at the same time sent to the Colonells of the Militia in the severall Countys about New York to get their men ready to oppose the enemy; I did make all the hast I could, but before I could get to New York, their fears were over, for the 10 men of warr were dwindled away to one French privateer of 14 guns, who took just without Sandy Hook a ship commanded by one Sinclair, who was bound to this Port from England, on board of whom were all the packets your Lordships were pleased to send to me; they were given into the charge of one Glenerosse, a merchant of this place, who left them on board, by which means they are fallen into the hands of the enemy. I can not say that the Militia of this City did their duty, for very many of the Dutch men ran away into the woods, but the Militia of Long Island deserve to be commended, Col. Willet, who commands the Militia of Queen's County, in 10 hours time brought 1,000 men within an hour's march of New York, the Militia of King's County was likewise in good readinesse, but there being noe occasion for them they were sent home; by this account your Lordships will perceive how necessary it is to have a standing force in this Province, where we are exposed to the invasions of the enemy by sea in the Southern parts of it, and to the attacks of the French and Indians by land in the Northern parts of it. If the proposall

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I made to your Lordshippes formerly had been approved of, I make noe doubt but it might have been effected with much lesse charge then the business of Guadalupa has cost, and I conceive would have been of much greater advantage to the Crown of England than the taking of that Island could have been. The more I inquire into that matter the more feasible I find it, but not with a lesse force then I proposed to your Lordshippes. I have seen a copy of a Memoriall Mr. Livingston laid before your Board, in which he seems to be of opinion that a regiment of well disciplin'd men with some officers to head the men that might be raised here would be sufficient, and perhaps it might have been soe when Sir William Phipps attempted the taking of it, but the case is much altered since that time, for that attempt, though very ill contrived and worse executed, did so fully convince them how easy it was to take Quebeck, that they have made it much stronger than ever it was, and have erected very good batterys along the waterside, which will make that undertaking more difficult then it was then, and the reason that made me propose soe much a greater force then Mr. Livingstone has mentioned is because I should be very sorry to propose any thing lesse then will effect the thing proposed, and if I have proposed a greater force than is of absolute necessity I hope I shall not be blamed for that. I did it because I was not willing so good a thing should miscarry for want of sufficient force, and the same reason still remaining I can't help being of the same mind still. When the *Eagle* gally sailed, it was soe soon after the Assembly was adjourned that the Clerk could not get a copy of their proceedings ready to send by that ship, therefore I now send it to your Lordshippes, by which you will perceive that the Assembly here is going into the same methods that the Assemblys of some other Provinces upon this Continent have fallen into, who think themselves equal to the House of Commons of England and that they are intituled to all the same powers and priviledges that a House of Commons in England enjoys, how dangerous it may be to suffer them to enjoy and exercise such powers I need not tell your Lordshippes, only I shall observe that the holding of General Assemblys in these parts of the world has been settled neither by Act of Parliament in England nor by Act of Assemblys here, soe that the holding General Assemblys here is purely by the grace and favour of the Crown, this I have told them often, but notwithstanding that, they will passe noe Bill for the service of the Queen, nor even for their own defence unlesse they can have such clauses in as manifestly ineroach upon the prerogative of the Crown, or in some measure destroy the power of the Governour (which will pretty well appear by a Bill prepared by them this Sessions, *enclosed*). I did not think it proper to suffer either, so I adjourned the Assembly. I did once intend to have dissolved them, but upon the account I had that some persons here had put them upon those methods in hopes to provoke me to dissolve them, and the assurances I had from several of the Members that they would take better measures if they might have another Sessions, I adjourned them to Oct. 2, at which

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time they met, but instead of taking better measures, they have gone on in the same, where they don't only ineroach upon my right (for that I should not have minded) but they take it upon them to apoint at what rates the money shall passe here, which I take to be the undoubted right of the Queen. Your Lordships will perceive by the copys I send herewith that the Gentlemen of the Councill made proper amendments to the Bill, but these Gentlemen have thought fit to declare in their message to the Councill of Nov. 4 that it is inconvenient for that House to admit of any amendment made by the Councill to a Money Bill, by which your Lordships will easily see that they intend to make the Councill as inconsiderable as they can, it is a thing was never attempted by any of their predecessors, but as the Country increases they grow sawcy, and noe doubt but if they are allowed to goe on, they will improve upon it, how far that may be of service to the Queen I leave your Lordships to judge. I have lately perused the grant made by King Charles II to H.R.H. Duke of York of all the lands from a place called St. Croix to the Eastward of New England, to the Eastern shore of Delaware River, by which it appears that that grant impowered the Duke of York to correct, punish, pardon, gouvern and rule all such the subjects *etc.* as shall from time to time adventure themselves into any the parts or places aforesaid, or that shall or doe at any time hereafter inhabit within the same according to such Laws, orders, ordinances, directions and instruments as by the said Duke of York or his assigns should be established, and in defect thereof in cases of necessity, according to the good discretions of his Deputies, Commissioners, Officers or Assigns respectively, as well in all causes and matters capital and criminal or civil, both marine and other *etc.*, as will more plainly appear to your Lordships by the copy I herewith send of the said grant, and it is certain that in the time that my Lord Limerick was Governour of this Province for H.R.H. Duke of York he governed without Assemblys, and even after King James came to the throne, the same Lord continued the same method, and certainly if the late King Charles II could grant that Power to the Duke of York at that time, H.M. may exert the same Power if she pleases. I intreat your Lordships to beleive that I am not pleading for the laying aside of Assemblys, it is farr from my thoughts, but I think it my duty to acquaint you with what I take to be the Queen's right, espially when Assemblys begin to be refractory, when I have done that I have done my duty and shall wait your Lordships' directions, which I shall always punctually observe ; In the meantime I have this day dissolved the Assembly, and intend to issue writs for the calling of another in March next, which I hope will behave themselves better than the last. however I am sure they can't be worse ; I am going to-morrow to New Jersey to the Assembly there ; I take the liberty to beg your Lordships that I may have all manner of stores sent over. I have not 120 barrells of Powder left, and severall of them are spoiled. I have noe small arms at all, noe cartouch boxes nor paper, not one bed for the men to lye upon, but what have been

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pieced over and over again, not a sword in the Garrison, nor a dagger, if the ennemy should attempt anything upon our frontiers this winter we shall not have powder enough left for salutes ; I intreat your Lordships to intercede with the Queen that some presents may be sent over for the Indians, for if we must buy them here, they will cost three times the price they will cost in England, and sometimes the goods proper for the Indians are not to be got here for money, such as light gunns, duffles, strouds, kettles, hatchetts, stockings, blanketts and powder ; and till Canada is reduced we shall never be able to keep the Indians steady without presents. I must farther intreat your Lordships to interceed with my Lord High Admiral, that a man of war may be appointed for this Province, if there is not one appointed the French privateers will intirely destroy our trade to the West Indies, which will soon destroy the Trade of this place, which consists chiefly in flower and provisions, and if I may propose, a ship of 40 guns will be the fittest for this place. I intreat you to represent our condition to H.M. that we may be supply'd early in spring, else we shall be in a very poor condition even to defend our selves if we should be atacked, *etc.* Signed, Cornbury. *Endorsed*, Recd. Jan. 16, Read Feb. 1, 170 $\frac{1}{2}$. *Holograph. 5 $\frac{1}{4}$ pp. Enclosed*,

643. i. Declaration of the Officers of the soldiers at New York that they have regularly received their subsistence since Lord Cornbury arrived. July 4, 1704. *Signed*, Peter Mathews, John Riggs, Lancaster Symes, R. Hopson. *Endorsed*, Recd. Jan. 16, 170 $\frac{1}{2}$. 1 p.
643. ii. Declaration by the Commissioners for managing the Office of Collector and Receiver General of New York, that all public money disposed of by them has been by warrant signed by Lord Cornbury in Council. We never paid H.E. but what his bare salary amounted to, to June 25, 1703. *Signed*, P[eter] Fauconnier. June 20, 1704. *Endorsed as preceding.* 1 p.
643. iii. Declaration by the Clerk of the Council that Lord Cornbury swore the Council named in his Instructions. Col. Romer was then absent, but subsequently sworn (May 26, 1702), but has not since attended or acted as Councillor. *Signed*, B. Cosens. *Endorsed as preceding.* 1 p.
643. iv. Opinion of the Attorney General of New York upon the importation of wine from Maderas by Capt. Dawson. March 29, 1704. *Signed*, Sa. Sh. Broughton. *Endorsed as preceding.* 1 p.
643. v. Mr. Weaver's certificate that he has accounted with the Deputy Auditor, Col. Abraham De Peyster, for fees due to the Auditor General of the Plantations, Wm. Blathwait. 309l. 11s. 3d. *Signed*, T. Weaver. A true copy, *Signed*, Geo. Clarke. *Endorsed as preceding.* 1 p.
643. vi. Mr. Weaver to Dr. Samuel Staats. To balance Mr. Blathwait's account, I must pay him the ready

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money in your hands. Pray let Mr. Vanderspeigle this night weigh it out and pay him 100*l*. July 22, 1702. *Signed*, T. Weaver. *Endorsed as preceding*. 1 p.

643. vii. Copy of the Deputy Auditor's Account with Mr. Blathwait, Nov. 29, 1700—March 25, 1703. *Signed*, A. De Peyster. *Endorsed as preceding*. 1 p.

643. viii. Copy of a Bill for the Defence of the Frontiers of New York, passed in the Assembly Oct. 25, 1704 (*referred to in above letter*). *Endorsed*, Recd. Jan. 16, Read Feb. 1, 170⁴₅. 5 pp.

643. ix. Copy of a Report of a Committee of the Council of New York upon the above Bill. *Propose amendments to two clauses which encroach upon the prerogative of the Crown and H.E. See Minutes of Council*, Nov. 3, 1704. *Same endorsement*. 2 pp.

643. x. Copy of amendments made by the Council to above bill. Nov. 3, 1704. *Same endorsement*. 1 p.

643. xi. Copy of Message from the General Assembly of New York in answer to *preceding*. *As quoted in above letter*. Nov. 4, 1704. *Same endorsement*. 1 p. [*C.O.* 5, 1048. Nos. 96, 96.i.-xi.; and (*without enclosures*) 5, 1120. pp. 245-260.]

[Nov. 6.] **644.** "WILL AND DOOM, or the Miseries of Connecticut by and under an usurper and arbitrary Power. A Narrative of the first erection and exercise, but especially of ye late changes and Administration of Govrmt. in their Majesties Colony of Connecticut *etc.*, wherein the manner of the late Revolution, May, 1689, is discovered," *etc.* The Preface is signed Philanax, Dec. 12, 1692. *Endorsed*, Mr. [*? Gresham*] Bulkley's Book, entitled *Will and Doom*, Recd. with *preceding*. Recd. 16th Jan., Read Feb. 1st, 170⁴₅. 100 *closely written pp.* [*Cf. C.S.P.* 1689-93.] [*C.O.* 5, 1263. No. 7.]

Nov. 7.
Whitehall.

645. Council of Trade and Plantations to the Queen. Your Majesty, upon our Representation of April 17, 1702, having directed us to signify your pleasure to the Colony of the Massachusetts Bay for the building of several forts and fortifications as well for the safety of that Colony as for the better securing the production of Naval Stores, and to acquaint them that when the said fortifications should be built, your Majesty might be induced to send thither some stores of war for the use of the same, which we did accordingly; And we having likewise by your Majesty's Order of July 30, 1703, required Governor Dudley to send us a specification of the guns and stores which that Colony stood in need of for the fortifications built or enlarged by them, the said Governor in conjunction with the Council and Assembly has lately sent Capt. N. Cary on purpose, with Addresses to be laid before your Majesty, and with other papers particularizing the wants of that Colony, who has informed us that in his voyage he was met by a French privateer who carried the ship to Brest,

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with goods to the value of 300*l.* laden by order of that Government for buying of small arms, and on that occasion had according to his Instructions thrown overboard all the dispatches committed to his charge, so that he could only offer to us what he remembred relating to his Commission, vizt., that your Majesty would be graciously pleased to assist that Government with 20 great gunns and 100 barrils of powder and ball proportionable for the fort on Castle Island. And he further prays that having lost in his passage the effects wherewith he was to have purchased 500 small arms for their better defence against the French of Canada and the Indians who have invaded them and destroyed several of their towns, your Majesty would be pleased to assist them by a necessary supply. Whereupon we are humbly of opinion that in consideration of the dangers that Colony is exposed to from the French and Indians, the expence they have been at, as well in the war as in repairing, enlarging and finishing the fort upon Castle Island for the security of Boston, the chief seat of the Government, pursuant to your Majesty's orders, and that they cannot provide themselves with those guns in that country, it would be a seasonable relief and bounty from your Majesty if you would bestow on that Colony 20 great gunns such as the principal Officers of the Ordnance, upon discoursing with Capt. Cary, shall find proper, with ball proportionable. And as to the small arms and powder, in consideration that the goods wherewith they should have been purchased are lost, we humbly offer that the quantitys desired may be sent thither by your Majesty and consigned to the Governor to be delivered to such persons, and for such uses within his Governments of the Massachusetts Bay and New Hampshire, as he shall find requisite, the Assemblys of those Provinces, on the particular persons receiving the same, paying the value of the said powder and small arms, for which the said Governour may be accountable to the Office of Ordnance here. And we further represent to your Majesty, that you having by your repeated letters directed the Governour to acquaint the Assembly of the Massachusetts Bay with your Majesty's expectation that they should settle a constant and fixt allowance on your Majesty's Governour and Lieut. Governour for the time being, as also that they should take effectual care for the rebuilding a good fort at Pemaquid which they lost by their negligence during the last war to the French and Indians, as also to contribute towards the fort at Piscataway, the same being of absolute necessity for the security of those Colonies and for protecting your Majesty's subjects in providing masts and other stores for your Majesty's Royal Navy; and finding that the Assembly do still persist in refusing to comply with your Majesty's commands in those particulars, we humbly offer that in case your Majesty shall think fit to gratify them in their present requests, your Majesty renew your former commands for their settling such a salary on your Governors and Lieut. Governors, as is done in all your Majesty's other Plantations, and that they immediately take care for the rebuilding of Pemaquid Fort, [and] the fort at Piscataway, your

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Majesty signifying that if they do not forthwith comply with your just expectations herein, they will appear undeserving of your Majesty's favour towards them on the like occasions. 5 pp. [C.O. 5, 751. No. 58; and 5, 911. pp. 399-404.]

[Nov. 7.] **646.** Thomas Bayley and others to the Council of Trade and Plantations. *Repeat petition of Oct. 26.* The *Expectation* was unavoidably detained before setting sail by contrary winds etc. attending the West India Convoy. Otherwise would have arrived timely in Virginia to have returned with the last convoy. Her case is particular. *Endorsed*, Recd. Read Nov. 7, 1704. $\frac{3}{4}$ p. [C.O. 5, 1314. No. 33; and 5, 1361. pp. 37, 38.]

Nov. 7. **647.** Mr. Jenings to the Council of Trade and Plantations. *Prays* for allowance for expenses for 18 months absence from Virginia upon the Laws and public affairs of the Dominion. *Signed*, E. Jenings. *Endorsed*, Recd. Read Nov. 8, 1704. 1 p. [C.O. 5, 1314. No. 34; and 5, 1361. pp. 39, 40.]

Nov. 7. **648.** A Privateer's Commission from Governor Cranston to Capt. John Halsey of the briganteen *Charles*, late of Boston, Newport, Rhode Island. to fight and destroy any privateers or others, subjects and vassalls of France and Spaine, for 12 months if the War continue so long. *Signed*, Samuel Cranston. A true copy, Nathl. Coddington, Register. June, 1705. *Endorsed*, R. Dec. 25, 1705. $2\frac{1}{4}$ pp. [C.O. 5, 751. No. 57.]

Nov. 9. **649.** Council of Trade and Plantations to the Queen. Whitehall. Representation upon Order of Queen in Council, Oct. 26, concerning the *Expectation*. Your Majesty's Instructions to the Governor of Virginia direct that during the time of war no ships, trading to Virginia, be permitted to come from thence for England but in fleets, or under the convoy or protection of some of your Majesty's ships of war, or at such times as the said Government shall receive notice from hence of their meeting such convoys as may be appointed for bringing them safe to some of the Ports of this Kingdom. But having more particularly enquired into the present case from the Petitioners, and understanding that the circumstances alledged by the Petitioners are peculiar to this ship, she having been designed to sail from hence in December last, but was detained 5 months in expectation of the West India convoy, which sailed not till May following, so that if she be now obliged to stay in Virginia till the arrivall and departure of the next convoy from thence, and the worm may occasion loss of the ship by her remaining so long in those waters. Whereas this ship being of some force, provided with letters of marque, and a very good sailer, the owners and freighters are willing, for the preventing of a certain ruine in Virginia, to venture her coming single. And having further understood from others the most considerable traders to Virginia, not concerned in this ship, that the permitting her the liberty now desired will be no prejudice to the generall Trade of those parts, we humbly offer that in

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consideration of the particular case of this ship, your Majesty may be pleased to grant the Petitioners their request. [*C.O.* 5, 1361. *pp.* 41-43.]

Nov. 13.
Whitehall.

650. W. Popple to Micajah Perry. The Council of Trade and Plantations understanding by the Naval Officers' Accounts which they have received from Virginia, that there were 228 barrells of pitch shipt in the last fleet from thence, they desire you to let them know to whom they were consigned, and, if you can, to inform them of their qualities if fit for service. [*C.O.* 5, 1361. *p.* 44.]

Nov. 13.
Whitehall.

651. W. Popple, jr., to Mr. Perry. The Council of Trade and Plantations desire you to give them the best account you are able of the number of ships arrived this year from Virginia and Maryland, with the number of their men and guns, their burden, and quantity of tobacco imported by them. If you can particualize or distinguish the quantities arrived at Bristoll, as well as here, it will be very acceptable, and the sooner the better. [*C.O.* 5, 1361. *p.* 45.]

Nov. 13.
Fleet.

652. Jeronimy Clifford to the Council of Trade and Plantations. I have wrot several times to Messrs. Shippard *etc.*, but in vain. *Prays relief.* Signed, Jer. Clifford. 1 *p.* *Enclosed*,
652. i. Mr. Clifford to Messrs. Shippard *etc.*, Oct. 28, 1704. Prays them to report on his case. [Feb. 10.] *Endorsed*, Recd. Nov. 13, 1704, Read Jan. 10, 170 $\frac{1}{2}$. *Copy*. 1 *p.* [*C.O.* 388, 75. *Nos.* 105, 105.i.]

Nov. 14.
Barbados.

653. Four suspended Members of the Council of Barbados to the Council of Trade and Plantations. We are forced to be further troublesome to your Lordships, in our own defence, by the subtle and indirect arts and methods that have been lately used to make us appear guilty to H.M. and your Lordships of that heavy charge H.E. has been pleased to lay upon us, for the justification of his own proceedings in our suspension. We might have expected to have been more fairly proceeded with, and that H.E. would have attempted at least, according to H.M. Instructions, to have made some proofs here of his accusations against us, to the end we might be in some condition of making our defence, and giving in our answer to be transmitted to your Lordships, in order to H.M. judgement thereupon. But it being impossible to make any proof here of those charges of which we are altogether innocent, it is thought more advisable by those whose interest it is that we should appear guilty, and are very industrious to transfer their own crime upon us, to make their accusations against us at a large distance in England, where they hope their own confident allegations may be taken for granted and we be run down by interest, noise and clamour, but we are more truly sensible and certain of H.M. great justice and goodness, as also of your Lordships', than to be under any apprehension of such a misfortune. Since we have been turned

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from the Council Board, much time hath been spent by H.E. and his new Councillors in forming Proclamations, Declarations, Speeches, and Propositions to the Assembly, and all ordered to be published in the Churches throughout the Island, only to put a fair gloss upon their late transactions; to this we may add the Protestation and Address of those 12 Gentlemen of the Assembly who have been so industrious to promote the Bill for standing forces as to obstruct all other business, thereby also endeavouring to evade the good design of her sacred Majesty for the advantage of this Island, express'd in her most gracious letter, one of the 12 Members of the Assembly and chief promoter of the Bill, saying that this was the only way to make a present to the Governour without the Queen's knowledge, in which Protestation and Addresses (as we are informed), for they will give no copies, they are pleased to bestow very large and extravagant encomiums upon themselves, and disadvantageously represent, and cast undeserved reflections upon H.M. better subjects, and in order to carry on this design, Presentments and Addresses for the Grand Jury to sign to the Judge of the Court of Grand Sessions, to H.E. and to H.M., have been framed, and to the same purpose tend the Addresses of the new Councillors and Military Officers to H.E., being pick'd out for this very purpose, the great revolutions and alterations that have been in all Offices, military and civil, being made only to serve this design, and therefore we humbly hope that the suggestions of such persons as these (who are parties and cannot but be supposed to be very partial) may not easily obtain belief, but that proofs may be required, and full enquiry first be made into the truth of things, and therefore we humbly pray that we may know all the particular charges that are laid against us, that we may be enabled to make our defence, in order to which we humbly desire that a *Dedimus Potestatem* may be granted, empowering some indifferent persons here to take depositions, and then we doubt not but we shall be able to make our own innocence appear, and to show where the faction lies. We entreat your Lordships to observe that the grand charge laid against us, is the encouraging faction of which no particular instance hath been offered, only H.E. is pleased to say in his Speech (to which his creatures echo we are informed in their Address) that he hath some reason to believe that the absenting Members of the Assembly have been encouraged by the suspended Members of the Council; but we hope that a bare suggestion without any proof will not be favoured to our prejudice, especially when we can make the contrary appear (if we may have an opportunity) as clear as the sun by incontestible evidence (*vizt.*) that we endeavoured by all the arguments reproofs and entreaties we could use to prevail upon them to give their attendance and make an House, particularly telling them that we looked upon it to be a great reflection upon the Council to suspect that they would pass any Bill that plainly appeared to be prejudicial to the Island, to which they made the same answer we mentioned in our former answer, that H.E. could suspend, put in and turn out Members of the Council,

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as he thought fitt, and they doubted not but (if the Bill once passed their House) that H.E. would take that method to make way for it, in which the event proved they were not mistaken. Now, whether this be a sufficient excuse for their not meeting, we do not undertake to determine, it being referred to H.M. judgement and your Lordships' consideration, but we hope (if it shall be deem'd a fault) that we who were not in the least partakers of the guilt, shall not be sharers in the punishment, the proceedings of those Gentlemen in that matter, being contrary to our judgement and most constant advice. *Signed*, Geo. Lillington, Michl. Terrell, David Ramsay, Benj. Cryer. *Endorsed*, Reed. from Mr. Bernard. Reed. Read Nov. 14, 1704. 5 pp. [*C.O.* 28, 7. No. 58; and 29, 9. pp. 87-94.]

Nov. 14. **654.** W. Popple to J. Burchett. *Encloses* extract of Governor Handasyd's letter, Sept. 17, relating to ships of war at Jamaica. [*C.O.* 138, 11. p. 348.]
Whitehall.

Nov. 15. **655.** Mr. Thurston to Mr. Popple. *Enclosing following.*
Signed, J. Thurston. *Endorsed*, Reed. 15th, Read Nov. 28th, 1704. $\frac{3}{4}$ p. *Enclosed*,

655. i. Capt. Moody to J. Thurston. *Repeats part of letter of Oct. 10.* The provision ship from the Victualling Office is arrived, but out of 11,179*lb.* of biskett, 8,494 is condemned. I must supply the soldiers with necessaries and draw upon you for the same. I make no doubt to defend ourselves this year, the soldiers' hearts upon this change [*the arrival of deserters from Placentia*] being fixt to the service of H.M. intirely, but with full expectation of relief next year, which if neglected may prove of ill consequence to the whole country. This dismall country affords nothing worth your acceptance, only a barrel of fish which I have sent, *etc.* *Signed*, Jno. Moody. *P.S.*—The Surgeon's chest of medicins prove extrerordinary good. *Addressed. Sealed.* 2 pp.

655. ii. John Adams, inhabitant of St. John's Harbour, to the Council of Trade and Plantations. He was last year barbarously beat and abused by Capt. Lloyd, to the utter ruin of him and his whole family. Prays for satisfaction out of his pay. *Endorsed*, Reed. 13th, Read Nov. 28, 1704. 1 p.

655. iii. Deposition of several of the inhabitants of Newfoundland. In 1703 Capt. Lloyd did summon most of the inhabitants to fetch wood for H.M. Fort; Adams among the rest did so. Lloyd did then in a very barbarous manner beat and abuse him, and made several holes in his head, rendering him wholly incapable of ever managing business, *etc.* *No signatures. Endorsed as preceding.* 1 p.

655. iv. Deposition of Tho. Adams, that he dressed five cuts in Adams' head. Next day Capt. Lloyd's cruelty

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continuing denied me forcibly. *Signed*, Tho. Adams. Sept. 6, 1704. *Subscribed*, I then dressed him. *Signed*, Christopher Wood. *The whole, endorsed as preceding. 1 small p.*

655. v. Certificate as to the truth of above. St. John's, Sept. 6, 1704. *Signed*, Tho. Adams, Surgn., Buckle Powell, Archi. Taylor, John Jordan. *Endorsed as preceding. 1 p.* [C.O. 194, 3. Nos. 31, 31.i.-v.; and (without enclosures) 195, 3. pp. 342-344.]

- [Nov. 15.] **656.** Deposition of Charles Irvine, Clerk, Barbados. July 6 1704. Some time about the beginning of this Assembly, before the election of the present Treasurer, Capt. Enoch Gretton and deponent were lamenting the heats and differences that had been in the former Assembly and began to appear in this, for the preventing of any farther increase in them. Capt. Gretton desired deponent to make a proposal to any of his friends in the Assembly, that if they would choose Col. Downes to be Treasurer for this one year, Col. Downes' friends would joyne with them in other things, and the business of the Assembly should be done; but if they would not choose Col. Downes, he had friends enough there to break the House, and no business would be done. He computed Col. Down's friends to be, for Christchurch parish two, for St. Philips one (I suppose meaning himself), for St. John's two, for St. Lucie's two, for St. Peter's one, and we found that the Assembly could not make a House without them. Capt. Gretton was positive that he knew of no other cause of difference in the Assembly, but that Col. Downes was struck at without a particualar charge against him. Deponent concluded that the electing any other person to be Treasurer would cause a rupture in the Assembly, and would tend to its being dissolved. He argued with Lt. Col. Alleyne to that effect, *etc.* *Signed*, Cha. Irvine. *Endorsed*, Reed. Read Nov. 15, 1704. Reed. from Melisha Holder. 1 p. [C.O. 28, 7. No. 59.]

- [Nov. 16.] **657.** Deposition of Guy Ball, late of Barbados. Deponent obtained the stopping of the convoy and fleet from sailing in May for a few days by paying 200*l.* to the Governor through Alexander Skeene and 10*l.* to the latter, after the Governor had refused to do it upon his first application with the offer of 100*l.* only. *Signed*, Guy Ball. *Endorsed*, Reed. Read Nov. 16, 1704. 1 p. [C.O. 28, 7. No. 60.]

- [Nov. 16.] **658.** Deposition of W. Baylie and H. Keys, Commanders of merchant ships. They, like the others, were obliged to pay 17*s.* 6*d.* each for petitioning the Governor for leave to sail thence in May, besides 3*s.* 9*d.* each for the licence. No such sum was ever demanded of them on previous voyages there, *etc.* *Signed*, W. Baylie, Hen. Keys. *Endorsed*, Reed. Read Nov. 16, 1704. [C.O. 28, 7. No. 61.]

- Nov. 16. **659.** Order of Queen in Council. Upon reading a Report from St. James's. Mr. Attorney and Mr. Sollicitor Generall upon a Representation

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from the Council of Trade and Plantations of the great inconveniences and disorders complained of by Governor Dudley, in the Charter Governments of Rhode Island and Connecticut, H.M. in Council is pleased to order, that a copy of the said Report be sent to the Council of Trade and Plantations, who are to communicate the same, together with the grounds of their said Representation, to the Agents of Connecticut and Rhode Island, and to give them notice to attend H.M. at this Board on Nov. 30, to be heard with Council learned upon their objections in point of law (if they have any) against H.M. appointing a Governor or Governours over those Provinces, as is proposed in Mr. Attorney and Mr. Solicitor Generall's Report, and that the said Lords Commissioners doe give Mr. Attorney and Mr. Solicitor Generall what further information they can in this matter, that they may come prepared at the time aforesaid in case the said Agents shall desire to be then heard at this Board. *Signed*, John Povey. *Endorsed*, Reed. Read Nov. 22, 1704. 1 p. *Enclosed*.

659. i. Attorney and Solicitor General to the Queen. We have considered of the Representation from the Council of Trade and Plantations, upon letters received from Gov. Dudley, complaining of great inconveniences happening to him in his government from disorders in Rhode Island for want of good government there, and also letters from Gov. the Lord Cornbury, complaining of the like inconveniencies from disorders in the Colony of Connecticut (that and Rhode Island being Charter Governments) and also of the Report of the Attorney and Solicitor Generall July, 1694. And we do concur with them in their opinions that upon an extraordinary exigency happ'ning through the default or neglect of a Proprietor, or of those appointed by him, or their inability to protect or defend the Province under their Government and the inhabitants thereof in times of war or imminent danger, your Majesty may constitute a Governour of such a Province, as well for the civill as military part of government, and for the protection and preservation thereof, and of your Majesty's subjects there, with this addition only, that as to the civill government, such Governour is not to alter any of the rules of property or methods of proceedings in civill Causes established pursuant to the Charters whereby the Proprietors of those Colonys are incorporated, on perusall of which Charters, we doe not find any Clauses that can exclude your Majesty, who have a right to govern all [y]our subjects, from naming a Governour on your Majesty's behalf for those Colonys at all times. *Signed*, Edwd. Northey, Simn. Harcourt. *Copy*. 1½ pp. [C.O. 5, 1262. Nos. 90, 90.i.; and 5, 1291. pp. 68-72.]

Nov. 16.
Whitehall.

660. Council of Trade and Plantations to the Queen. *Recommend* that Tobias Frere be removed from the Council of Barbados, and John Mills confirmed in his place, in accordance

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with the letter of Governor Sir B. Granville. [*C.O.* 29, 9. pp. 98, 99.]

Nov. 16.

661. Order of Queen in Council. Mr. Secretary Hedges is to prepare a warrant for H.M. signature appointing Mr. Mills in the place of Mr. Frere as *proposed in preceding*. Signed, John Povey. *Endorsed*, Recd. 4th, Read Dec. 14th, 1704. 1 p. [*C.O.* 28, 7. No. 63; and 29, 9. pp. 120, 121.]

Nov. 16.

Whitehall.

662. Council of Trade and Plantations to the Queen. We have heard the Four Suspended Members of Council of Barbados [Sept. 21], but they declaring themselves unable to prove here in England the severall allegations in their Petition against the Governor, and desiring liberty to take affidavits in Barbadoes, we humbly offer that a copy of the said petition and other papers be sent to Sir B. Granville for his answer, with such Depositions in his own behalf as he may think fit to send, and that he be directed by your Majesty's Royal Letter to give free liberty to the Petitioners and any other persons concerned to make affidavit before any judge or other magistrate of what they know in those matters, and that such judge or magistrate be likewise enjoined to summon such persons as the complainants shall name, and that all such examinations be transmitted to us in order to our further Representation to your Majesty thereupon. [*C.O.* 29, 9. pp. 96, 97.]

Nov. 16.

St. James's.

663. Order of Queen in Council. Approving above Representation and directing the Council of Trade and Plantations to prepare a letter to Governor Sir B. Granville for H.M. signature accordingly. Signed, John Povey. *Endorsed*, Recd. Read Nov. 20, 1704. 1 p. [*C.O.* 28, 7. No. 62; and 28, 38. No. 29; and 29, 9. pp. 100-102.]

Nov. 17.

664. Capt. Lloyd to Mr. Popple. Upon a disorder among the soldiers at Newfoundland, occasioned by their not having been relieved this year, as was promised them by Capt. Richards, their former Captain, to quell a mutiny they were then running into upon that head, Capt. Bridges, the Commodore, thought it requisite for H.M. service that I should repair hither to make a Representation thereof. I attend their Lordships' commands. *Endorsed*, Recd. 17th, Read 28th, 1704. 1 p. [*C.O.* 194, 3. No. 32; and 195, 3. pp. 347, 348.]

Nov. 17.

Whitehall.

665. W. Popple to J. Burchet. The Council of Trade and Plantations have heard from Governor Sir W. Mathew that a fleet of 50 odd ships would sail from the Leeward Islands about Sept. 18, and have likewise received advice that a considerable fleet was to sail from Barbados about the same time. [*C.O.* 153, 9. p. 47.]

Nov. 18.

Barbados.

666. Governor Sir B. Granville to [? Sir Charles Hedges]. *Acknowledges* letter of Sept. 28 by the packet boat which arrived the 15th inst. It is the first we have had since August; one

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therefore must have been taken, but I can't believe it has happened in these parts. The particulars you enclose proposed from ye Commissioners for exchange of prisoners I have noe objection to farther then : (1) In the manner it is laid down, it will bring an expence upon H.M., which is at this time born by her Colonys. Here and elsewhere the charge of subsisting prisoners and for boats for their exchange, is paid out of the publick levys, and the people having been always used to it, don't complain of it. (2) The French of Martinique (which is the residence of their General for all their American Territorys) have ever been willing to agree to a general exchange without any regard to man for man or quality for quality, that is, as soon as any prisoners are taken on either side, they shall be immediately sent home and no accounts kept. And whilst we are in no better condition to deal with them at sea then we are at present in these parts, it must be most for H.M. service to follow this method still, the prisoners the French take being generally 10 times more then what we take, *etc.* I look upon it very necessary some Agent were appointed from England to have the sole care of this matter after wt. scheme soever it be settled, but under such obligations as may prevent the inconveniencys I now find in being obliged to make use of some of the inhabitants from time to time, who are willing to undertake it, and who I have too much reason to fear will always upon these occasions carry on some unlawfull commeree, doe what I can. Hitherto I have had no exchange with the French. I found the Cartel, which had been settled at ye beginning of the war broke by ye detention of three French prisoners, who had been condemned at a Court Martial. I was commanded to keep them during the war ; till I have power to release them, the French will make no cartel. I wait therefore yr. commands in this matter, and shall continue to send for England what French prisoners fall into my hands. I have here at present 38, taken in a small privateer by H.M.S. *Warwick*. *Refers to enclosures.* The Report still continues of a strong French squadron being daily expected at Martinique. I have a spy-boat ready which will sayl to-morrow to look into all their harbours. I am apprehensive of nothing so much as a surprise, having no troops but ye Militia, and they still very bad, tho better then I found them. Nothing can be laid to my charge, of which I will not fully clear myself when I know the particulars. *Signed, Bevill Granville. Endorsed, R. Feb. 10. 3 pp. Enclosed,*

666. i. M. de Maehault to Governor Sir B. Granville. Fort Royal, Martinique, Oct. 8 [N.S.], 1704. M. le Comte de Pontchartrain, Secretary of State, writes me that Lord Nottingham has informed him that he has sent orders to Barbados for the setting at liberty of the Sieurs Torailles. Doubtless this order has been given upon your solicitation, for by your letter to me of July, 1703, you appeared not to approve of the judgment against them. The Ministers have not entered into a detail which only concerns you and me. The sloop which

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brought the Torailles was confiscated contrary to international law, and by the judgement of the Admiralty Court at Barbados, March 12, 1702, it was said that she would be given back. If she has been lost, I am sure that you will cause just compensation to be paid, *etc.* *Signed*, De Machault. *Copy. French.* 2 pp.

666. ii. Governor Sir B. Granville to M. de Machault. Pilgrim, in Barbados, Oct. 7, 1704. I have not received the orders you mention. I did not explain myself well, if you understood that I did not approve of the sentence. I said I would wait the Queen's pleasure (which was part of their sentence) before I determined in relation to them, and till I know that, I cannot release them. What you write concerning the bark depends on the other matter, *etc.* *Signed*, Bevill Granville. *Copy.* 2 pp. [C.O. 28, 43 Nos. 1, 2, 4.]

Nov. 18.
Barbados.

667. (a) Deposition of A. Skene. On Sept. 16 about 11 at night deponent was sitting at his door with Lieut. Wanley of the *Dolphin*, when they heard Murder cried several times. They found a very riotous company of men with their swords drawn, among which was Francis Lee, an idle, vagabond fellow, whom deponent hath often heard Edward Chilton say was not fit to live in a civill Government, *etc.* *Signed*, Al. Skene. 1 p.

(b) Deposition of A. Slingsby. Deponent very well knew F. Lee, a swarthy downlooked fellow, wearing his own hair, which was black. He wrote with deponent as a clerk. He had noe certain fix'd abode, but lived as a straggler and vagabond, by cheating, gaming and laying wagers, and also by writing as a Hackney at some times, he being very nimble finger'd and writing a quick hand. Deponent was soon obliged to turn him off, there being frequent complaints made against him for his evill practices, the Judge [*James Colleton*] dismissing him the Court and Office, and a succeeding Judge [*Jonathan Downes*] telling Lee in open Court that he ought and should be bound over to answer his misdemeanors at the Grand Sessions for counterfeiting hands and abusing several of the suitors, with a warning to deponent by no means to suffer him to come near his office, which Lee afterwards attempted by endeavouring to corrupt deponent's clerk. Lee hath counterfeited deponent's hand to certificates, as also the Honble. James Colleton's to several papers, all which matters are more plainly detected since Lee's running off the Island. *Signed*, Arth. Slingsby. 2 pp.

(c) Deposition of J. Boothe, heretofore an officer in the Court of Common Pleas for the precincts of St. Michael's *etc.* Corroborates above. *Signed*, John Boothe. 2 pp. *Copy.* [C.O. 28, 7. No. 65.]

Nov. 18.
Barbados.

668. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges* duplicates of letter of Aug. 25. The originals never came to my hands, nor have we had any packet boat but this since one in August. I have from time

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to time as I could get them from the Navall Officer transmitted his lists of ships entred and cleared; what are wanting shall be sent by the next, and nothing shall be omitted by me to have it always regularly done. I will make all the dispatch I can in having the collection you command me made of the Laws *etc.* *Encloses* proceedings of Courts. The account of the present number of inhabitants is preparing. I have had from private hands copys of the petitions which are before your Lordships against me. I doe believe if your Lordships will please to examine my letters, as also the Minutes of the Council and Assembly which I have sent home, my justification in every point will be found there. However, a fuller answer shall be sent with all expedition, and in the meantime I doe most solemnly affirm that all the matters charged to me in those papers are most unjust and most untrue *etc.* Though I am not likely to reap any benefit to myself in a post where others have made such considerable fortunes, I shall be abundantly satisfied if my services may recommend me to H.M. favour, and my behaviour deserve your Lordships' good opinion and protection. *Signed*, Bevill Granville. *Endorsed*, Recd. 12th, Read Feb. 14th, 170 $\frac{1}{2}$. 2 $\frac{1}{2}$ pp. *Enclosed*,

668. i. Abstract of Proceedings of the Chancery Court, Barbados, May 25, 1703—Nov. 1, 1704. Cases depending, 80. *Endorsed as preceding*. 19 pp.

668. ii. Abstract of Proceedings of the Courts of Common Pleas of Barbados, May 11, 1703—Nov. 16, 1704. *Endorsed as preceding*. 76 pp. [*C.O.* 28, 7. Nos. 64, 64.i., ii; and 29, 9. pp. 181–184.]

Nov. 18.
Cockpit.

669. Mr. Secretary Hedges to the Council of Trade and Plantations. The Queen, being informed that provisions are furnished to ye French Plantations from St. Thomas, belonging to the King of Denmark, commands me to acquaint you therewith, and that you consider how the said practice may be prevented. *Signed*, C. Hedges. [*C.O.* 389, 18. p. 219; and 412, 549. p. 236.]

Nov. 20.
London.

670. Mr. Clifford to the Council of Trade and Plantations. Pursuant to your verbal orders, March 2, I have moderated my just pretensions as low as possible to my exceeding great loss *etc.*, according to the advice of Messrs. Sheppard *etc.* *Encloses* account *etc.* *Signed*, Jer. Clifford. *Endorsed*. Recd. Nov. 20, 1704, Read Jan. 10, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [*C.O.* 388, 75. No. 107; and 389, 36. pp. 228, 229.]

Nov. 20.
Whitehall.

671. Council of Trade and Plantations to Mr. Secretary Hedges. *In reply to letter of Nov. 18.* We humbly offer whether provisions [is] furnished to the French, being equally prejudicial to H.M. in America [*? with*] any contraband goods, such provisions may not be deemed contraband goods, and the ships carrying the same seized and confiscated. *P.S.*—We are preparing a report to H.M. about French privateers being harboured at St. Thomas. [*C.O.* 412, 549. p. 236; and 389, 18. p. 220.]

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Nov. 21. **672.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. We have prepared a Report to be presented to the
House of Lords (*see* Nov. 27), so soon as we shall receive H.M.
leave. [*C.O.* 412, 549. *p.* 239; and 389, 18. *p.* 222.]

Nov. 22. **673.** Mr. Secretary Hedges to the Council of Trade and
Whitehall. Plantations. H.M. grants leave *as above*. *Signed*, C. Hedges.
[*C.O.* 412, 549. *p.* 245; and 389, 18. *p.* 228.]

Nov. 23. **674.** Council of Trade and Plantations to the Queen.
Whitehall. *Representation* upon the petition of Seven of the Assembly of
Barbados. *Recommend as in case of the Councillors*, Nov. 16. and
add :—And that they may be obliged on each part to interchange
their proofs and depositions within one month after the publication
of your Majesty's said letter, and that 20 days more be allowed
as well for the Governour and Skeen, as ye Complainants, to
make their reply by affidavits or otherwise before ye said
Depositions be transmitted. Which method we likewise humbly
offer may be used in reference to ye suspended Counsellors.
[*C.O.* 29, 9. *pp.* 102–104.]

Nov. 23. **675.** W. Popple to J. Burchett. The Council of Trade and
Whitehall. Plantations being informed that the Newfoundland Fleet is
returned, desire the Commodore's Answer to the Heads of
Enquiry. [*C.O.* 195, 3. *p.* 340.]

Nov. 23. **676.** J. Burchett to Mr. Popple. *In reply to preceding*.
Admiralty The answer will be transmitted when received. *Signed*, J.
Office. Burchett. Read Nov. 27, 1704. *Addressed*. $\frac{1}{2}$ *p.*
[*C.O.* 194, 3. *No.* 30; and 195, 3. *p.* 341.]

Nov. 25. **677.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* following report to be laid before H.M.
Annexed,

677. i. Council of Trade and Plantations to the Queen.
Governor Sir W. Mathew having informed us that the
Island of St. Thomas belonging to the King of Denmark
is supplied with provisions from New England and
other your Majesty's Plantations on the Continent of
America, and that from the said Island the French
ships and Colonies in those parts are furnished with
those provisions, as likewise that in the said Island,
the enemies privateers harbour themselves, get their
intelligence, and in a manner have their whole sub-
sistance, we humbly offer that your Majesty direct by
your royal letters to the several Governors of New
England and the Northern Colonies that they by
Proclamation do strictly forbid the carrying provisions
to St. Thomas, upon pain of your Majesty's highest
displeasure, and confiscation of the said provisions,
the same tending to the support of your Majesty's

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enemies and to the endangering your Majesty's Plantations. And whereas provisions carryed from St. Thomas to the French Plantations do enable your Majesty's enemies to fit out their ships, and sustain the war against your Majesty's subjects, we humbly submit whether such provisions may not be deem'd and declared contraband goods, and the ships carrying the same liable to seizure and confiscation, as likewise whether any ship protected by the Danish Governor and carrying any sort of goods from the said Island to the French be not altogether with such goods liable to confiscation, such ships not being as we conceive furnished with such passports as the Treaties between your Majesty and the Crown of Denmark require. As to the French ships of war and privateers harbouring themselves in the Ports of St. Thomas, we humbly submit whether the King of Denmark be not as much obliged by the Treaties in force with him, to refuse admission and entrance to such ships and privateers into his Ports in America as into those in Europe, the harbouring of such ships and the collusive trade of St. Thomas being of the utmost prejudice to our Plantations and the Trade thereof. And in case such prohibition be judged to extend to St. Thomas, we humbly offer that the strict execution of the said Treaties in relation to St. Thomas be required from the Crown of Denmark. [C.O. 153, 9. pp. 48-51.]

Nov. 25. **678.** Governor Sir W. Mathew to the Council of Trade and Antigua. Plantations. I was this day taken very ill as I was writing to Mr. Secretary Hedges, and was unable to finish his letter myself, and my wife, Secretary, and most of my family being greatly indisposed, must therefore beg your Lordships to accept of a short answer to your letter of Aug. 25, *etc.* As to transmitting a compleat collection of the Laws, and as to H.M. and the Lord High Admirall's shares of prizes, *refers* to letter to Sir Charles Hedges. I shall duly observe your Lordships' directions touching George Bald's piraticall proceedings, and H.M. additionall Instruction relating to the Acts for Trade and Navigation, and will give you a more particular answer by the first opportunity after my recovery. *Signed*, Will. Mathew. *Endorsed*, Reed. 12th, Read Feb. 16th, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 152, 6. No. 5; and 153, 9. pp. 78-84.]

Nov. 26. **679.** Governor Dudley to [? Mr. Secretary Hedges]. Boston, Acknowledges letters and repeats part of following. Quebec and New England. Port Royall are the only tenable places, which with 1,500 men from hence and the assistance of 3 or 4 of H.M. ships with bombs might be put into H.M. possession *etc.* I have humbly moved this affayr formerly, and it hath been well approved by the Council of Trade and Plantations, but greater matters have delayed it. If it were perfectly understood, it would give H.M.

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a very great countrey, all the trade of furs and fishery, besides the Naval Stores, and forever quiet the Indians, there being no body left on this side Mexico to give them a supply of armes or ammunition. The Assembly have in these two last yeares given near 50,000*l.* towards the support of the warr with the Indians, which would be all saved for the future by one sound stroke upon the French. I humbly ask your Honour's favour and patronage for me in my difficult poste with an angry people, that can hardly bear the Government nor Church of England amongst them, and while my care is to keep them steady to Acts of Parliament will make me as uneasy as they can. *Signed*, J. Dudley. *Endorsed*, R. Mar. 1st. *Holograph*. 2 pp. [*C.O.* 5, 751. No. 59.]

Nov. 27.
Boston.

680. Governor Dudley to W. Popple. I have stayed the ship that brings this to Lisbon, the mast fleet being on the coast, only that I might acquaint their Lordships that the mast ships with their convoy are well arrived in Piscataqua River, and I hope in two months they will be loaden and returning, I having all this summer given guards, 100 men at a time, to the undertakers, to support the carpenters and teams in the forest, so that all their loading is now in the water and no time will be lost for their loading. *Acknowledge* receipt of their Lordships' commands, May 26, 1704, which I shall strictly observe and return the answer directly by the mast ships, this being by way of Portugal, uncertayn, and not allowing mee one dayes time without an injury to trade, which is against their Lordships' direction to me. I am sorry I lost all my letters by my packet boat Cary messenger, who I understand is gotten to Whitehall, but without his papers, especially the fair plans and very exact of all the fortifications in the two Provinces, which were very well drawn by Col. Romer, and I hope shall be repeated by the mast fleet. Since our expedition upon the coast of L'Acadie, where we left nothing standing of four villages but Port Royal Fort, and a very lucky defeat of about 400 French and Indians at Hadly and Lancaster, I have had a two months respite from any incursion, which has been (besides what is above) occasioned by the taking of the Canada ship wherein the stores of Quebeck were, which has reduced the French to a great distress there, so that if their Lordships could obtain the call of four or five frigats here in the spring with a few bombs, I might very well (our people at present being in that temper) ship 1,000 or more men, and by the destruction of Quebeck and Port Royal put all the Navall Stores in North America into H.M. hands, and for ever make an end of an Indian warr. *Signed*, J. Dudley. *P.S.*—*Acknowledges* the packets by the mast ships for this Government, and for my Lord Cornbury, Nicholson and Seymour, which I have exprest away, and shall obey my own forthwith. *Endorsed*, Recd. Read March 1, 1704. *Holograph*. 2 pp. [*C.O.* 5, 863. No. 122; and 5, 911. pp. 449–451.]

Nov. 27.
Boston.

681. Lt. Governor Usher to the Council of Trade and Plantations. Yours May 23 is newly come to my hands. I

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shall take due notice of your directions concerning Gov. Dudley, only say Assembly was not dissolved contrary to orders, had I known H.E. minde, itt had nott bin, *etc.* Signed, John Usher. *Endorsed*, Recd. 1st, Read March 12th, 1704⁵. *Addressed*, *Sealed*, *Holograph*. $\frac{1}{2}$ p. [C.O. 5, 863. No. 123; and 5, 911. p. 456.]

Nov. 27. **682.** Council of Trade and Plantations to the House of Lords. Report on the state of Trade and Government of the Plantations since Dec. 16, 1703. *Set out*, *House of Lords MSS.*, *New Series*, vol. vi. pp. 87-109.] [C.O. 412, 549. pp. 246-331; and 389, 18. pp. 229-316.]

Nov. 28. **683.** Council of Trade and Plantations to the Lord High Treasurer. *Recommend* Mr. Jennings' petition of Nov. 7. He having several months attended us with great diligence, we offer our opinion that less than 200*l.* over and above the 100*l.* already advanced to him by the Governor of Virginia will not be a suitable recompence for this service, *etc.* to be allowed out of H.M. Revenue in Virginia. [C.O. 5, 1361. pp. 46, 47.]

Nov. 28. **684.** P. Mein to Mr. Popple. I beg you to record enclosed letter, so as I may have it to send away by the paquet-boat on Thursday. Signed, Pat. Mein. *Endorsed*, Recd. Read Nov. 28, 1704. *Addressed*, *Sealed*. 1 p. *Enclosed*,
 At ye White and blew ball in King's Street, Holbourne.
 684. i. The Queen to Governor Sir B. Granville. Granting leave of absence to Mr. Mein. *Countersigned*, C. Hedges. Nov. 27, 1704. 1 p. [C.O. 28, 7. Nos. 66, 66.i.; and 29, 9. pp. 105-107.]

[Nov. 28.] **685.** Evidence of several spies sent to Placentia, and of deserters therefrom.

(a) Duplicates of *Cal. A. and W. I.*, 1703. No. 1264.

(b) Duplicates of No. 315.i.

(c) Depositions of Saml. Hooper, Commander of the *Good Hope* ketch of Boston. Captured and carried into Placentia April, 1704. Deponent describes the Forts there. Cf. No. 315.i.

(d) Depositions of Francis Andrews and John Evans, of the *Richard and Mary*, bound from Barbados to Bristol loaded with shuger and mollossoes. They were taken and carried into Placentia, April, 1704. Described as May 13. The number of English prisoners there was 20. They had a report of Canadies coming against the winter to attack St. John.

(e) Deposition of Daniel Curlein, Commander of the *Society*. On Aug. 18, 1704, the *Society*, laden with fish, the *Pembroke* gally, the *William* and a New England ship, were surprised at Bonavista about 1 a.m. by 120 French.

(f) Deposition of Peter Downes and Edward Symmons, of the *Pembroke*. The French burned the *Society* and *William*. The New England man escaped, and sailed with the *Pembroke* for Canadie.

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(e) Deposition of Edward Pickerin. Taken on board the *Betty* sloop, March 30, he was carried to Placentia. Fort described.

(f) Nov. 25, 1704. At the beginning of Oct. a Serjeant, Corporal and 4 private soldiers arrived at St. John's, having deserted from Placentia, etc. See No. 315.i.

(g) An account of the Deserters from the Company at St. Johns to the French: Oct., 1701, 8; Oct., 1702, 11; July, 1704, 1; Sept., 1704, 1. *The whole endorsed*, Reed. from Capt. Lloyd, Read Nov. 28, 1704. 18 pp. [C.O. 194, 3. No. 33.]

[Nov. 28.] **686.** Muster-Roll of H.M. soldiers at Fort William in St. Johns Harbour, Newfoundland, Sept. 22, 1704. 92 officers and men. *Signed*, J. Bridges, Thomas Lloyd, John Moody, Robt. Latham. *Endorsed*, Reed. Read Nov. 28, 1704. 1 p. [C.O. 194, 3. No. 29(c).]

Nov. 28. **687.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* extract of letter from Governor Sir W. Mathew, Aug. 31, relating to the need of a frigate, and to a cartel with the French. [C.O. 153, 9. p. 51.]

Nov. 29. **688.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* extracts of Governor Handasyd's letter, Sept. 17, esteeming it of importance to H.M. service. [C.O. 138, 11. pp. 348-350.]

Nov. 30. **689.** Council of Trade and Plantations to Governor Handasyd.
Whitehall. Since ours of Aug. 25, we have received yours of June 17, July 8 and 28, and Sep. 17. We have laid before H.M. what you write relating to the French prisoners sent home by the fleet. We will not doubt but that Mr. Chaplain has before this time complied with your directions in pursuance of what we writ you in relation to the transcribing and transmitting to us the accounts of the Revenue of Jamaica, and we accordingly expect to receive them from you. You have done well in giving H.R.H. an account of your want of naval stores for the Queen's ships. We have laid before H.R.H. what you write concerning the mortality on board the *Nonsuch*, and the paying of the officers and seamen of the 2 fire ships fitted out by the Island, and we have represented to H.M. what you write concerning Capt. Gandy, as also about your want of 9 ships of war. But (as we have already told you) whatever relates to the Admiralty ought to be writ immediately from yourself to H.R.H. the Lord High Admirall's Councill, giving us always an account of your so doing. We are very glad that the trade with the Spaniards is open'd and going on successfully. We have laid before H.M. your desire of having some of the King of Spain's Proclamations in Spanish sent you, and so soon as H.M. shall be pleased to give directions therein, you shal be inform'd thereof. As to the insurrection of the negroes that you mention, we hope that by your care and vigilance it will have been quelled before this time. The Acts and other publick papers which we

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have received from you will be taken into consideration at the first opportunity, and as anything occurs you will have constant notice thereof. [*C.O.* 138, 11. *pp.* 351-353.]

Nov. 30.
Whitehall.

690. Council of Trade and Plantations to Governor Sir B. Granville. Since our last of Aug. 25, we have receiv'd yours of Aug. 22. We are very sensible of the difficulties you lye under in the management of the affairs under your Government, and as we are sorry to have received complaint against you, we hope you will be able to clear yourself from what is therein charged. Wee did indeed expect that you would have sent particular reasons upon which you suspended the four Counsellors by the packet boat, but will not doubt of receiving them by the Fleet, which is dayly expected. The Queen having pleased to refer to us their complaint, we did hope to be ready by this opportunity to have sent you copies of all those papers with H.M. pleasure thereupon, they will certainly be ready by the next. Upon what you tell us of Mr. Tobias Frere's behaviour, *etc.*, we immediately represented that matter to the Queen, and H.M. has been pleased to remove Frere, and to confirm Mr. Mills of the Councill, according to your desires, and we do not doubt but H.M. pleasure therein will be sent you by this packet boat from the Secretary of State. In the mean time we send you a copy of our Report relating to the absenting Members of the Assembly, at which proceeding H.M. in Council was pleased to express her resentment as tending to the destruction of all Government, and we are expecting the opinion of Mr. Attorney and Mr. Solicitor Generall how others may be best deterr'd from the like proceeding, pursuant to H.M. orders to them. We observe that you write of Mr. Downes, that you have not sworn him into the Councill pursuant to his mandamus; we expect your further account of that matter, with the proofs of what you object against him and his answers, according to your letter. [*C.O.* 29, 9. *pp.* 108-110.]

Nov. 30.
Whitehall.

691. W. Popple, jr., to Lt. Governor Bennett. The Council of Trade and Plantations have not received any letter from you since theirs of Aug. 24. They expect that you should give them particular accounts of all transactions in your Government by every opportunity that offers, whether directly for England, or by the way of any of the Plantations. [*C.O.* 38, 6. *p.* 85.]

Nov. 30.
St. James's.

692. Order of Queen in Council. Upon reading the petition of Sir H. Ashurst, in behalf of the inhabitants of Connecticut, relating to H.M. appointing a Governor over the said Province, and of the Province of Rhode Island. Ordered that the hearing of the matter be put off till Dec. 14. The Council of Trade and Plantations are to cause notice to be given to the partys concerned to come prepared to be heard at that time. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 1, 1704. $\frac{3}{4}$ *p.* [*C.O.* 5, 1262. *No.* 91; and 5, 1291. *p.* 73.]

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Nov. 30. **693.** Order of Queen in Council. H.M. having been pleased
St. James's. to order 20 cannon with their appurtenances to be sent to the
Governor of the Massachusetts Bay for the service of that Colony,
as of H.M. bounty and in consideration of their having furnished
divers fortifications for the security of that Province, and H.M.
having further taken notice of the Representation of the Council
of Trade and Plantations relating to the salary of a Governor and
Lt. Governor and Pemaquid Fort, they are to prepare a letter
to the Governor, to be communicated to the Council and Assembly,
accordingly for H.M. signature. *Signed*, John Povey. *Endorsed*,
Reed. Dec. 4, Read Jan. 9, 1704(5). 1 p. [C.O. 5, 863. No. 124;
and 5, 911. p. 407.]

Nov. 30.
Whitehall.

694. Council of Trade and Plantations to Governor Sir W.
Mathew. Since our last of Aug. 25 we have received yours of
June 14 and Aug. 31. We are glad to be informed of your safe
arrival in your Government and observe the account you give
us thereof. But you do not mention either the day of your
arrival there, or the publication of your Commission. We do
expect the collection of the Laws of the Leeward Islands, according
to your Instructions, and are very well satisfied to finde they
were then in such readiness; you will take care that the dates
of each Act be exprest, and the name of the Island where past,
whether relating to such Island in particular, or whether the
Assembly held there were generall. We have represented to H.M.
the ill consequence of the Trade with St. Thomas and the supplies
received thence by the French, and shall as soon as anything
shall be determined therein give you an account thereof. We
have likewise represented what you write of the necessity of
another frigate for the protection of Trade, and the desire which
the French express of a cartell. We had already represented at
the solicitation of Col. Whetham that Colonel Johnson, who you
likewise recommend, be confirmed in the Government of Nevis,
in which post Col. Codrington had placed him, which is accordingly
done. [C.O. 153, 9. pp. 52, 53.]

Nov. 30.
St. James's.

695. Draught of a letter for H.M. Signature to Governor
Sir B. Granville. *Instructions relating to the four suspended
Councillors etc., in accordance with Representations of Nov. 16
and 23, and Order in Council, Nov. 16.* [C.O. 29, 9. pp. 111-
113.]

Nov. 30.
St. James's.

696. Order of Queen in Council. Petition of the Assembly
of Barbados etc. respited till the Fleet arrive. *Endorsed*, Reed.
Read Dec. 5, 1704. $\frac{1}{2}$ p. [C.O. 28, 7. No. 67; and 29, 9.
p. 114.]

Dec. 1.
Whitehall.

697. Council of Trade and Plantations to Mr. Secretary
Hedges. *Enclose depositions of deserters from Placentia
[No. 598.i.].* 1 p. [C.O. 195, 3. pp. 349-351; and 194, 3.
No. 34.]

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[Dec. 1.] **698.** John Shippen, David Waterhous and others to the Council of Trade and Plantations. *Propose* to supply H.M. annually for 1,000 lasts of tar and 200 tuns of pitch annually from the Plantations. *Signed*, John Shippen, David Waterhous. *Endorsed*, Reed. Read Dec. 1, 1704. $\frac{3}{4}$ p. [C.O. 323, 5. No. 65; and 324, 9. p. 40.]

[Dec. 1.] **699.** J. Fitch, Wm. Hancocke and others to the Council of Trade and Plantations. *Propose* to supply H.M. annually for 6 years with 30,000 bolts of sayle-cloth, and 4,000 tun of hemp (at 30*l.* per tun). *Signed*, J. Fitch, Wm. Hancocke. *Endorsed*, Reed. Read Dec. 1, 1704. $\frac{3}{4}$ p. [C.O. 323, 5. No. 66; and 324, 9. p. 41.]

Dec. 1. **700.** Council of Trade and Plantations to Mr. Seceretary
Whitehall. Hedges. *Enclosing* above proposals, as proper for the Commissioners of the Navy. [C.O. 324, 9. p. 42.]

Dec. 4. **701.** Charles Congreve to Mr. Popple. [I have] received a letter from Mr. Estwick by your order, requiring me to put in writing what I knew relating to the Governments of Connecticut and Rhode Island. As to Rhode Island, I have nothing more to offer than the generall charge that lyes against that place, which I have often heard from credible Merchants trading thither and others who have lived there; that the same is notoriously guilty of harbouring and encouraging pyrates, detaining and protecting soldiers, seamen and servants, that desert and run away from the Governments under the Crown, and for using illegall Trade. As to Connecticut, I have some particular instances of the irregularities committed there, which have occur'd to my knowledge, vizt. Under colour of their Letters Patents, they try robberies, burglaries, murders and other felonys, make Capital Laws, and punish with death. Freemen make proxies for election of members to serve in the Assembly. They have made a law that no Christians (not being of their community) shall meet to worship God or have a Minister, without lycence of the Generall Assembly. The frequent complaints that have been made of the arbitrary proceedings in their Courts of Judicature by people living amongst them, as particularly the annex'd case, which I am able to witness to, as far as my having seen copies of the severall steps in that Proceeding with their publick seal appending thereunto. They have lately made a law imposing a duty on all commoditys brought thither by any person other than those who are of that Government. They allow of none of the Laws of England either Common or Statute to be pleaded in their Courts, but when to serve their owne purposes, nor suffer any to appeal from thence to the Queen in Council, by which means H.M. subjects are deprived of the benefit which all those who are under her immediate Government enjoy. Being appointed by my Lord Cornbury to come from England with his last packet to this Board, I humbly conceive I may be more capable of giving their Lordships some

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particular information of New York, when they are pleased to require it of me, and I thought it my duty to attend on the Board for that end before this occasion called me, but was waiting for the arrival of a vessell which was to depart New York in a month after my leaving that place, by which I expected some papers and instructions to be sent me, relating as well to New York as particularly to Connecticut and would have been of great use at this time, to amplify what has been hitherto sent over on the head of complaints against that place, which could not be got ready, by reason of perfecting those long accounts of the four Companies at New York, and so much other business his Lordship had to dispatch by the last conveyance relating to his own Governments, being the time of the Meeting of the Assemblys of both Provinces, and there being a necessity of his presence at Albany, and a sloop then fitted and attending him to goe that voyage at the rising of the Assembly of New York, etc. However if their Lordships please in the meantime to permit me to lay before them two or three observations of my own, relating to the present state of New York, as to the forces etc. and relating to Canada (having been commanded on the frontier each winter since the warr), I shall do it in the best manner I can, with some proposals which I presume may be of service to H.M. and her said Province, etc. *Signed, Charles Congreve. Endorsed, Reed. Read Dec. 4, 1704. 3 pp. Enclosed,*

701. i. John Rogers to the Governor and Company of Connecticut, now assembled at N. Haven, 16th 8 month, 1701. I, John Rogers, doe desire and request of you an appeal before the King in England from these following sentences of your Courts, which have been very injurious to my self many ways and still is and to my two children, who are now in danger of being dispossessed of my inheritance through your unjust Acts of Courts which hath lay'd us naked to utter destruction, and I can have no releif from yourselves. (1) Taking from me my dear wife by an Act of your Generall Assembly, and refusing to give me any reason why, though often demanded at that and several following Generall Courts. (2) The taking away my two dear children by an Act of your Generall Court, for my refusing to be subject to your set up worship contrary to the rule of God's Word. (3) Taking from me house and land, even all my living and giving it to my wife during her naturall life after you had given her a bill of divorce, this was done by one of your Courts of Assistants, and I had no notice of it till I heard the Jury's verdict. (4) For the Generall Courts Act (after I was by them impoverish'd), who ordered me to pay to my aforesaid wife 20*l.* towards the bringing up of my two children, and ordered that the reversion of my liveing should stand for her security, I not paying the 20*l.* within the limited time set me by the said Generall Assembly, it should be hers for ever, soon after she married another man,

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and I by your County Court was imprison'd above a year, in which time of my imprisonment, the sett time of the Generall Court was expired, and her pretended husband came to the prison with the constable and two men, who demanded of me the said 20*l.* on the behalf of this pretended wife, who had cruelly abused my children; came to New London and proffer'd to me the sale of the said house and lands, and for a summ of money I bought it and took a deed of her unknown to her pretended husband, so that according to your Highest Courts Acts I have nothing to shew for the living but a deed from another man's wife, who hath left heirs behind him. (5) A Generall Court passed an Act that my son should be put out to some honest man to learn a trade, and instead of which he suffered hunger and hardship, but taught him noe trade nor other necessary learning to his great damage. (6) I was accused of blasphemy, I know not by who, and judged by a Court of Assistants to sitt on the gallows with a halter about my neck, and from thence to returne to prison, and there to continue till I paid 5*l.* for reproaching the Ministers, and there to give in a bond of 50*l.* not to disturb the Churches, or to continue in prison. I did, where I was kept till the next Court of Assistants, and then was took out and cruelly scourged, I know not for what, and when you had so done, you askt me whether I did not desire merey at your hands, before (I suppose) some hundreds of people. I told you noe; forthwith you sentenc'd me to be whipp'd a second time, both times without the verdict of any Jury, and from the whip you sent me forthwith to the prison, where I was chained to the sill. without bed or covering, and neither meat nor drink offer'd me in the space of three days, where I lay six weeks in this perishing manner, chained to the sill, I know not for what; in which prison I was kept three year after, and then I demanded an Appeal by open proclamation, but could not have it granted, which demand proved very injurious to my body too much to relate here, till I was constrained to threaten the gaoler (noe more to torture myself and fellow prisoner, who had demanded an Appeal with me) upon his perrill, then was I released and he banished from his native countrey, and when I came home to my habitation I found horrible oppression and violence had been used upon many poor people for a pretended rate for the Minister of the town, and a meeting called to make another. I objected against the illegality of it, and the honoured Major Palms set in with me, and by the good hands of God wee put it by. But the Minister stood up hard for it, and challeng'd me to dispute it, and pretended he could prove it by Scripture, and engaged soe to doe, but hath hitherto waded it, and

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yet hath obtained a judgment of 600*l.* against me, and costs of Court for soe saying, soe that I have neither the assurance of my lands nor moveables, and therefore humbly petition that it may be carryed on at the King's charge, and if I cannot make good my charges and cause, I doe by these presents freely yeild up my body to perpetuall imprisonment. *Signed*, John Rogers, Senr. *Copy.* 1½ pp. [*C.O.* 5, 1262. *Nos.* 92, 92.i.; and 5, 1291. pp. 74-84.]

[Dec. 5.] **702.** Copy of Representations of Commissioners of the Customs, Mr. Attorney and Mr. Solicitor General, upon the draught of a Charter from Mr. Byfield *etc.* for importation of Naval Stores. *Endorsed*, Reed. Read Dec. 5, 1704. 14 pp. [*C.O.* 5, 1262. *No.* 93.]

Dec. 5. **703.** Council of Trade and Plantations. *Enclosing* following
Whitehall. for H.M. Signature. *Signed*, Rob. Cecil, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Mat. Prior. *Autographs.* 1 p. *Enclosed*,

703. i. The Queen to Governor Sir B. Granville. [*See* Nov. 30.] 2 pp. [*C.O.* 28, 38. *Nos.* 30, 30.i.; and 29, 9. pp. 111-114.]

Dec. 6. **704.** Capt. Bridge to the Council of Trade and Plantations.
H.M.S. *Looe*, Deptford. The soldiers who subscribed the certificate of Capt. Lloyd's beating John Adams [*see* Nov. 15], did when summoned by me refuse to swear to it, but on the contrary, it appeared to me upon oath, that Adams opposing the work as much as in him lay, Capt. Lloyd, to prevent any prejudice that such an example might have done H.M. interest, corrected him with a small cane, but not so as to injure him in his health or business. Adams appeared to be, by the testimony of all his neighbours, a person of a debauch[ed] desolute life. I had him whipped for a theft. As to the "deposition of the inhabitants in his behalf," signed by nobody, I verily believe there was none such made. It was the opinion of all the officers as well as my own that Capt. Lloyd should repair to England to represent ye uneaseness of ye Garrison, and not upon account of misdemeanours, as Adams says, *etc.* *Signed*, J. Bridge. *Endorsed*, Reed. Read Dec. 12, 1704. 1 p. [*C.O.* 194, 3. *No.* 35.]

Dec. 6. **705.** Col. Codrington to the Council of Trade and Plantations.
Antigua. Sir W. Mathews is dead. Since I am upon the place and now season'd to purpose, if yr. Lordps. think it proper and H.M. find it agreeable, I shall be willing to serve her here during the war, and beleive I may serve Her better than an other at present, for there are still some necessary things, especially wt. relates to our laws, to be done, wch. I fear an other Commander will not be able to accomplish, if he should design it. I cannot tell yr. Lordps. positively I shall, for a Genll. much wiser and abler than myself, with all the address and diligence possible must

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take a great deal of pains to doe very little good—but my Lords I humbly propose I may not serve to my loss as I have hitherto done, 1,600*l.* a year is as little as a Cheif Governor can possibly subsist on, and instead of four Deputy Governors, I also humbly desire there may be but one Lt. Governor of the whole to have 400*l.*(?) a year with a Company, and I'm sure ye public busnes will be better done this way. In every Iland the President of ye Council shoud take care of ye Civil affairs, and ye Commanding Officer of ye Military, for 'tis not easy to find men here qualified for both. Deputy Governors rather obstruct than promote public busnes, and 'tis to noe purpose to turn them out, when they deserve it, for their successors wd. be ye same. I have some experience here and I doe not speak by gues. I write this very much in hast, to send away by a vessel just ready to saile from Nevis. By ye next paquet I shall enlarge on this and some other particulars. *Signed*, Chr. Codrington. *Endorsed*, Reed. Read March 5, 170 $\frac{1}{2}$. *Holograph*. 2 pp. [*C.O.* 152, 6. No. 7; and 153, 9. pp. 87, 88.]

Dec. 6. **706.** Commissioners of Customs to [? *the Lord High Treasurer*].
Custom House, London. *Refer* to petition of John Taylor [see Aug. 30]. It appears not to us by what law or authority the duty [*referred to*] is exacted, nor do we know what power or authority they have by their Charter or Constitution to make Bye-Laws amongst themselves. But it seems to us very strange and unreasonable that any law or usage should be in any of H.M. Plantations, to make an Englishman a stranger or to pay any further duty then the inhabitants of the place. *Signed*, Sam. Clarke, T. Newport, A. Maynwaring, Will. Culliford, Jo. Werden. *Autographs*. *Endorsed*, Dec. 23, 1704. To be sent to the Council of Trade. [*C.O.* 5, 863. No. 125.]

Dec. 6. **707.** W. Bridges etc. to [? Mr. Popple]. *Pray* that the Report of the Board and Order in Council relating to Sir B. Granville may not be dispatched before the arrival of H.M.S. *Milford*, on which are papers from that Gentleman. *Signed*, W. Bridges, J. Stanley, Mel. Holder. *Endorsed*, Reed. Read Dec. 6, 1704. 2 pp. [*C.O.* 28, 7. No. 68; and 29, 9. pp. 115, 116.]

Dec. 6. **708.** W. Popple, jr., to Mr. Burchet. When may H.M.S. *Milford* be expected? etc. [*C.O.* 29, 9. p. 116.]
Whitehall.

Dec. 7. **709.** Mr. Secretary Hedges to Governor Handaside.
Whitehall. *Acknowledges* letters. Your keeping the Spanish prisoners to be exchanged for English is approved etc. I desire you will lett me know what you have to propose for the ease of the two Regiments that the country, it seems, has hitherto taken little care of. *Encloses* 50 of the King of Spain's Proclamations. *Refers* to reported taking of Gibraltar. *Signed*, C. Hedges. [*C.O.* 324, 30. pp. 14, 15.]

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710. Mr. Secretary Hedges to Governor Sir Wm. Mathew. *Acknowledges* letters of Aug. 31 and Oct. 2. The evidences of your care for the defence of Montserrat and Antegoa are very acceptable here, and what you say of the regiments there [Aug. 31] carries a great deal of reason with it. I shall do you what service I can in your pretensions to the post of Brigadier, and in case the regiment in your Government should become vacant, I shall, as you desire, represent to H.M. the expences you are at in visiting the several parts of it, and shall use my good offices for your obtaining that command. I observe what you write concerning the granting of lands in St. Christophers, and shall inform myself what may properly be done for H.M. service in that point. I have never heard of any application made here that your residence should be confined to Antegoa, when I do, I shall represent that it will be inconvenient for H.M. service for you to be tyed to one Island. The Acts you mention to have sent me by the Fleet of about 150 sail are not yet come to hand, the the most part of that fleet being not arrived, tho some of them are come into several Ports of England. I have laid before my Lord High Admiral that part of your letter which relates to the inconvenience of the Barbadoes Fleet not touching at Antegoa and Montserrat, and before the Office of Ordnance that part concerning your want of canon *etc.* for the security of merchant ships, but I wish you had been particuar in the numbers of each, that measures might have been taken with more certainty than now they can be for your supply, *etc.* *Signed*, C. Hedges. [C.O. 324, 30. pp. 15-17.]

Dec. 7.

711. Proclamation by the Hon. John Johnson, Chief Governor of all H.M. Carribbee Leeward Islands. Whereas by the decease of his late Excellency Sir Wm. Mathew, Knt., and because noe Lieut. Gencrall is appointed by H.M., and residing in any of these Islands, it doth appear by H.M. Commission to Sir Wm. Mathew, that the Government doth devolve upon me *etc.*, I do hereby publish and declare that all Commissions, Civil and Military, are hereby confirmed, until they shall be altered. God save the Queen. [C.O. 154, 5. p. 106.]

Dec. 7.
Admiralty
Office.

712. Mr. Burchett to Mr. Popple. The *Milford* is daily expected. As for the answers to the heads of enquiry in relation to Newfoundland, they were sent from hence by the *Coventry*, which shipp being taken by the enemy, prevented any answers. *Signed*, J. Burchett. *Endorsed*, Reed. Read Dec. 8. 1704. $\frac{3}{4}$ p. [C.O. 28, 7. No. 69; and 29, 9. p. 117.]

Dec. 8.
Whitehall.

713. W. Popple, jr., to Mr. Burchet. *In reply to preceding*, the Council of Trade and Plantations desire to be informed whether the duplicates of the Heads of Enquiry sent you Aug. 18 were given to Capt. Bridge, appointed Commodore of the Newfoundland Fishery, after the *Coventry* was carryed into France. [C.O. 195, 3. pp. 352, 353.]

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Dec. 9.
Nevis.

714. Lt. Governor Johnson to the Council of Trade and Plantations. It having pleased Allmighty God to take to his mercy H.M. late General Sir W. Matthew, Knight, on 4th inst., at Antigua, whereby the Government of H.M. Leeward Carribee Islands is devolved upon me as Lt. Governor of H.M. Island Nevis, no care shall be wanting in me to perform my duty *etc.* Signed, John Johnson. *Endorsed*, Reed. 3rd. Read 5th March, 1704⁴. 1½ pp. [*C.O.* 153, 6. No. 6; and 153, 9. p. 86.]

Dec. 9.
Whitchall.

715. Mr. Secretary Hedges to the Council of Trade and Plantations. *Encloses* extract of letter from Governor Sir W. Mathew (Oct. 2) relating to cannon needed for the Leeward Islands. Signed, C. Hedges. *Endorsed*, Reed. Read Dec. 13, 1704. 1 p. *Enclosed*,

715. i. Extract referred to above. ½ p. [*C.O.* 152, 5. Nos. 83, 83.i.; and 153, 9. p. 59.]

Dec. 11.

716. Deposition of J. Huett of Pennsylvania, Mariner. *Describes* the trade of Scotch and Irish ships in provisions to France. Signed, Jno. Huett. 2½ pp. [*C.O.* 5, 1233. Nos. 51; and (*duplicate*) 52.]

Dec. 11.
Council Office.

717. John Povey to W. Popple. H.M. has thought fit to put off the hearing of the Agents of Connecticut and Rhode Island [see Nov. 30] till Jan. 4. Signed, John Povey. *Endorsed*, Reed. Read Dec. 12, 1704. *Addressed*. ¾ p. [*C.O.* 5, 1262. No. 94.]

[Dec. 12.]

718. Robert Baron to the Council of Trade and Plantations. During his abode as Minister in Bermuda, he endured great hardships from the inhabitants, who refuse to pay him such allowances as was usual for officiating at St. George's. *Prays* for relief. 1 p. *Endorsed*, Reed. Read Dec. 12, 1704. 1 p. *Enclosed*,

718. i. An account of his expenses, hardships and affronts. 2¼ pp.

718. ii. Copy of an Act for settling a yearly Revenue upon the Ministers of Bermuda. 1 p. [*C.O.* 37, 6. No. 24; and (*without enclosures*) 38, 6. p. 86.]

Dec. 12.
Admiralty
Office.

719. J. Burchet to W. Popple. Your letter relating to the Barbados and Leeward Islands Fleets will be communicated to H.R.H. the very first opportunity. Capt. Bridge is not returned to town. The Heads of Enquiry did not reach him before he sailed. Signed, J. Burchett. *Endorsed*, Reed. Read Dec. 14, 1704. *Addressed*. 1 p. [*C.O.* 194, 3. No. 38; and 195, 3. p. 361.]

Dec. 12.

720. Saml. Barwick, Agent of Governor Sir W. Mathew, to the Council of Trade and Plantations. *Prays* them to intercede with H.M. that the two Acts lately laid before them might pass, in order to be transmitted back to Sir W. Matthews. *Petitions*

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for ordnance etc. in accordance with the Governor's Instructions, Sept. 28 q.v. Signed, Samll. Barwick. Endorsed, Recd. Read Dec. 12, 1704. 1 p. [C.O. 152, 5. No. 84; and 153, 9. pp. 57, 58.]

Dec. 12. **721.** W. Popple, jr., to J. Burchet. The Council of Trade and Plantations desire you to acquaint Commodore Bridge that they desire to speak with him to-morrow *etc.* [C.O. 195, 3. p. 353.]

Dec. 12. **722.** Wm. Cleland to Sir Charles Hedges. I am lately arrived from Barbados. The Governor caused his packets containing the Minutes of Council and his reasons for suspending four of the Members *etc.* to be put on board H.M.S. *Milford*, who by stress of weather lost her mainmast and bore away for Lisbon. When these papers arrive, they will give full satisfaction of the Governor's prudent conduct *etc.* Signed, Wm. Cleland. 1 p. [C.O. 28, 38. No. 31.]

Dec. 12. **723.** W. Popple to J. Burchet. *Encloses* extract from Governor Sir W. Mathew's letter, Oct. 2, relating to the Barbados and Leeward Islands fleets. [C.O. 153, 9. p. 54.]

Dec. 12. **724.** W. Popple, jr., to Mr. Furnesse. The Council of Trade and Plantations desire to know in what readiness the Seals for the Plantations are, and when you expect they will be finished, and that they may be dispatched with all speed. [C.O. 324, 9. p. 43.]

Dec. 13. **725.** Council of Trade and Plantations to the Board of Ordnance. *Enquire* what stores of war were sent with Sir W. Mathew and what are yet remaining of those ordered Feb. 23 (q.v.). [C.O. 153, 9. p. 60.]

Dec. 13. **726.** Council of Trade and Plantations to the Queen. We have no objection to the request of Edward Chilton [No. 551.i.], he leaving such a sufficient Deputy as shall be approved by the Governour. [C.O. 29, 9. pp. 118, 119.]

Dec. 14. **727.** Order of Queen in Council. Mr. Secretary Hedges St. James's. to prepare a warrant for Mr. Chilton's leave of absence *according to preceding.* Signed, John Povey. *Endorsed, Recd. Read Jan. 31, 1705.* 1 p. [C.O. 28, 7. No. 71; and 29, 9. pp. 131, 132.]

Dec. 14. **728.** Order of Queen in Council. Petition of the Four St. James's. Councillors of Barbados for copies of papers *etc.* referred till the arrival of the *Milford*, and in the meantime all despatches from H.M. to Barbados relating to their case *etc.* to be respited. Signed, John Povey. *Endorsed, Recd. Read Dec. 21, 1704.* 1½ pp. [C.O. 28, 7. No. 70; and 29, 9. pp. 122, 123.]

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Dec. 14. **729.** Order of Queen in Council. Hearing of the Agents of
St. James's. Connecticut and Rhode Island [Dec. 11], deferred till Feb. 1.
Signed, John Povey. *Endorsed*, Recd. Read Dec. 15, 1704.
 $\frac{1}{2}$ p. [C.O. 5, 1262. No. 95; and 5, 1291. p. 85.]

Dec. 14. **730.** Order of Queen in Council. Refer enclosed petition
St. James's. to the Council of Trade and Plantations to report upon. *Signed*,
John Povey. *Endorsed*, Recd. Read Dec. 20, 1704. $\frac{3}{4}$ p.
Enclosed,

730. i. R. Livingston to the Queen. Suspended from his
office of Secretary of the Indian Affairs without cause
by Governor Fletcher, prays that the said suspension
may be taken off so that he may receive the salary due
to him for services performed to the entire satisfaction
of the Governors and Council of New York, as by their
certificates appears. *Signed*, Robt. Livingston. *Copy*.
 $1\frac{3}{4}$ pp. [C.O. 5, 1048. Nos. 98, 98.i; and 5, 1120.
pp. 235-238.]

[Dec. 14.] **731.** Mr. Lodwick to the Council of Trade and Plantations.
Prays the Board to report upon the Act of New York *declaring*
the illegality of proceedings against Bayard and Hutchins etc.
Signed, Charles Lodwick. *Endorsed*, Recd. Read Dec. 14, 1704.
 $\frac{1}{2}$ p. [C.O. 5, 1048. No. 97.]

Dec. 14. **732.** Order of Queen in Council upon the Charter desired
St. James's. by Tho. Byfield, *etc.* [Dec. 5]. This being thought a matter
more properly cognizable in both Houses of Parliament, H.M.
is not pleased to give any further Order therein at present. [See
Acts of Privy Council, II. pp. 465-469.] *Signed*, John Povey.
Endorsed, Recd. Read Dec. 21, 1704. 1 p. [C.O. 5, 1262.
No. 96; and 5, 1291. pp. 86, 87.]

Dec. 14. **733.** Mrs. Furnesse to Mr. Popple. Two Seals for the
Plantations are finished, *etc.* *Asks for directions.* *Signed*, E.
Furnesse. [C.O. 323, 5. No. 67; and 324, 9. p. 44.]

Dec. 14. **734.** Council of Trade and Plantations to the Queen. Offer
Whitehall. for H.M. approbation two Acts past at St. Christophers,
Sept 23, (1) for raising a levy of 5s. per poll on all slaves to make
good the deficiency of a former levy, (2) for raising 500l. sterl. for
the rent of a house for Governor Sir W. Mathew. [C.O. 153,
9. pp. 61, 62.]

Dec. 14. **735.** Order of Queen in Council. Approving two Acts of
St. James's. St. Kitts in accordance with *above* Representation. *Signed*,
John Povey. *Endorsed*, Recd. Read Jan. 10, 170 $\frac{1}{2}$. $1\frac{3}{4}$ pp.
[C.O. 152, 6. No. 3; and 153, 9. pp. 72-74.]

Dec. 15. **736.** Council of Trade and Plantations to the Queen. *Quote*
Whitehall. Attorney General on Act of New York *declaring the illegality of*
the proceedings against Bayard and Hutchins etc. [see Aug. 31st.]

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We humbly submit to your Majesty whether Col. Bayard and Mr. Hutchins should not be required to enter into recognizance upon record, each of them for themselves and for each other in the penalty of 5,000*l.*, that they will not either of them bring actions in the matter, or otherwise that a new Act be passed with proper clauses for the indemnification of persons who may be obnoxious to the Law by the defect of this Act, and upon either of the said conditions to be there determined, vizt., the return of a new Act so amended, or a certificate from the Governor of New York that Bayard and Hutchins have given security as aforesaid, we humbly offer that it may be signified to the Governor that your Majesty will be pleased to ratify and confirm either this present Act or the said new Act with proper amendments, as shall be expedient. [*C.O.* 5, 1120. *pp.* 233, 234.]

Dec. 15. **737.** W. Popple to Mrs. Furnesse. You are to deliver to Whitehall. me such Seals as are finished. [*See* Dec. 14.] [*C.O.* 324, 9. *p.* 45.]

Dec. 16. **738.** Board of Ordnance to the Council of Trade and Office of Plantations. *Enclose* account in reply to letter of Dec. 13. What Ordnance. are yet remaining have been a long while ready, if the Agent had made application. *Signed*, Granville, Wm. Bridges, C. Mnsgrave. *Endorsed*, Recd. Read Dec. 20, 1704. $\frac{3}{4}$ *p.* *Enclosed*,

738. i. List of Ordnance and Ammunition sent, and ready to be sent, to the Leeward Islands, 1704. 3 *pp.* [*C.O.* 152, 5. *Nos.* 85, 85.i.; and 153, 9. *pp.* 64-68.]

Dec. 17. **739.** Governor Handasyd to Sir Charles Hedges. *Acknowledges letter of* Sept. 28 with the enclosed paper in relation to the exchange of French prisoners. My reasons against which I beg may be laid before H.M. in Council. (1) We have taken in these parts during this war ten French men for one English man they have taken; and I find by experience and by comparing notes with the proceedings of the last war that the French men knew everything that was acted in Jamaica as well as if they had been upon the land themselves, but now the case is quite altered, they not knowing what we do. Their Governors declared that in the last war they should be sorry the Governor of Jamaica should drink a health at his table, but what they were immediately informed of; which must be done by the sloops and ships that went and came for the exchange of prisoners, or other intelligence by letters privately sent in those sloops. (2) All the prisoners of war were sent from the Windward Islands down to Hispaniola or Cuba, by which means they were constantly in a body to make attempts on the out parts of Jamaica, and burn and destroy Plantations and carry away the slaves, but since that has been prevented they have not had the force to make those attempts. Besides a great inconvenience will happen to our merchant ships for want of men to sail them home, which commonly by sickness or otherwise lose a great many in these parts, and are now supply'd by the French prisoners in sending

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3 or 4 in a ship as there is occasion, obliging the Masters on their arrivall in England to deliver them to some of H.M. goals. It is at least 12 months before those prisoners that are sent to England can return here again, which is a great discouragement to those who have families, and are settled in the West Indies; and will be a means to prevent their making the like attempts against us. As to these English prisoners in these parts, vizt., the Havanna, Carthagene, Porto Bell, Lugan, *etc.*, they have amounted to no more than 28, 25 of which I have had in lieu of Spanish prisoners, the other three are aboard some vessell, whom the Spaniards promise shall be returned as soon as they come into port. As to what you mention of H.M. Commands in relation to that Gentleman [*in margin* Warles (?)], as soon as he comes here, I shall take care of him. I am now to acquaint you of the great inconveniencies that happens by our privateers, which, if not prevented, will ruine our correspondence with the Spaniards, for by their commissions they are empowered to take the Spaniard as well as the French; therefore I desire there may be some alteration made in their Instructions, that they may, under pretence of faith in trading with the Spaniards, intice them from the land and make a prey of them, which has been practised by some. If our privateers do only run against the French, except such of the Spanish nation as have correspondence with France or French goods on board, it may be of singular advantage to the trade and manufactory of Old England, as well as of Jamaica. Here is brought in about 5 weeks ago a French prize called *Point Chateron* of 320 tonn, 20 guns, 9 pattereroes, and 130 French men, by H.M.S. *Mairmaid*, Capt. Ryddall. The Custom-House Officers tell me she will prove a very valuable prize, being loaden with wine, brandy, linnen *etc.* Several ships from England and Ireland take out their clearings for Jamaica and some other of H.M. Colonies in the West Indies and go directly to Curasao or St. Thomas's with the English manufactory, by which means they draw the Trade from the English to the Dutch.

The Island is at present healthy, but has been sickly, tho' not attended with the usuall mortality. We have had two small earthquakes, but they have done no damage. Our wise Assembly met Sept. 21, and continued till Dec. 1st. The Lds. Commrs. of Trade's letter was laid before them, before their last adjournment, but they did with that as they have since done with our great and gracious Queen's, which I laid before them Sept. 22, with my Speech, which they were pleased to thank me for, but the next day arraigned me with that scandalous name of arbitrary *etc.*, as they have likewise done the Council, after I had used all the methods I thought were proper to make them sensible of our gracious Queen's clemency and her care, as well as the vast expence she is at to preserve their lives and fortunes, and how farr they ought to be concerned in preserving the lives of those H.M. had sent for their preservation, a great many whereof had already lost their lives for want of quarters, and daily more might be expected to follow. *Refers to Minutes of Council and Proclamation dissolving Assembly*, "where you will find severall

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of their proceedings summ'd up, but one or two of them which I have therein omitted, are (1) That no Judge, J.P., or Assembly man should be obliged to serve in the Militia, unless upon an Insurrection or Invasion, and then to be in no other post but as Reformed Captains, which in one Assembly or two would render us wholly incapable of haveing any men qualified to serve as Officers of the Militia, except Jews or Blacks, by which means, if any attempt should be made by the enemy, it might tend to the utter destruction of the Island. (2) They resolved to punish the Attorney General, Provost Marshall, Deputy Receiver General and Clerk of the Council as they thought fitt, and so retrench further and further on the Queen's prerogative, of which never any president was known in these parts, without first desiring leave and giving reasons, which if they had done it in a decent manner, should never be refused them. The several objections made by the Lord High Treasurer upon the Revenue Act, I shall take care, as soon as the Assembly sits (which will be in 5 or 6 months, unless H.M. sends me Instructions to the contrary) to give satisfactory answers to. I understand H.M. designs to relieve the two Regiments here, by sending two which, I imagine, will be new raised. If so, we may expect after their arrival a great mortality, by which means H.M. will loose her subjects, as well as be at a vast expence in sending them, and the Island rendered incapable of defending itself. I therefore make this proposal to be laid before H.M. in Council—that in case I have two companys added to my Regiment with 50 recruits, and the remainder to be taken out of Col. Livesay's Regiment, to make every company 70 or 80 men, whereby one Regiment will be as many as the two Regiments were at 34 men a company, with leave to exchange such officers out of Col. Livesay's Regiment as have a mind to stay here for such of mine as have a mind to go home, it will very much conduce to H.M. service and the preservation of this Island. It is contrary to my own interest. H.M. ships of war here are in very indifferent condition, haveing had much sickness, and being in great want of men, which I do all that I can to supply with sailors, and where they are defective, with soldiers. I received a letter from Governor Sir B. Greenville which gives an account of a strong squadron of French men of war suddenly expected at Martineco, with land forces aboard, which by what wee can learn are designed for Jamaica. In case they do come, I doubt not but we shall shew ourselves faithfull servts. to our Queen and country. Here was brought in the 11th inst. by a Jamaica Privateer a French ship; but I do not hear she had anything else in her but 4,000 pieces of eight." *Refers to enclosures. Signed, Tho. Handasyd. 7 pp. [C.O. 137, 51. No. 3.]*

Dec. 17.
Jamaica.

740. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Aug. 25. *Repeats preceding. Encloses* Lists of ships, Public Accounts etc. *Signed, Tho. Handasyd. Endorsed, Recd. 12th, Read Feb. 15th, 1704 $\frac{1}{2}$. 8 pp. Enclosed,*

740. i. Deposition of S. Lovell, Oct. 25, 1704. On Feb. 1, Grand Court, 170 $\frac{3}{4}$, I moved the Court on behalf of

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H.M. that several persons there bound by recognizance to appear might have the oaths tendered them according to Law, upon which Mr. Totterdell stood up and said he wondered to hear such a motion made at this time of day, for that no such thing was practised in England now. I asked him what he had to do to interpose in the Queen's affairs, he answered he did it as *amicus curiæ* etc. At last I moved the Chief Justice that he would command him silence, which he accordingly did. I asked the Chief (after I came out of Court) if he thought it fitt to acquaint the Governor with Mr. Totterdell's behaviour, he told me that had it been anybody but Mr. Totterdell that had made such a motion, he would have committed him, and told me that Totterdell had been with the Governor the evening before, and had complained of him, and desired of the Governor that he might not be called rogue and rascall in the Court, as he had formerly been, for which reason he would not committ him, least it might look like revenge, and thought it more convenient for me to acquaint the Governor of what had hapned in Court, rather than himselfe, for the former reason, but desired me to doe it in his name, which I did. *Signed*, Sam. Lovell. *Endorsed*, Recd. Read Feb. 12, 1704. 1 p.

740. ii. Minutes of Council of Jamaica. Oct. 6, 1704. 1 p.

740. iii. Information of Robert Hotchkyn, Attorney General, against Hugh Totterdell for using scandalous and seditious words against the Governor, and for withholding a packet under the Queen's seal from him for seven weeks etc. 1 p. *Endorsed as preceding*. *Copy*. 1 p.

740. iv. (a) Naval Officer's List of Plantation Bonds taken at Port Royal, Feb. 19–Sept. 17, 1704. 20 ships (of which 17 bound for America and 3 for London).

(b) Naval Officer's List of Plantation Bonds taken at Kingston, Feb. 19–Nov. 17, 1704. 19 ships, 15 bound for America, 2 for London. *Signed*, Bar. Jenkins. *Endorsed as preceding*. *The whole*, 2 pp. [*C.O.* 137, 7. Nos. 2, 2.i–iv.; and (without enclosures) 138, 11. pp. 359–371.]

Dec. 18. **741.** Order of Queen in Council. Approving Representation, St. James's. No. 736. Governor of New York to be signified accordingly. [Cf. *Acts of Privy Council*, II. p. 414.] *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read March 14, 170 $\frac{1}{2}$. 1 $\frac{1}{4}$ pp. [*C.O.* 5, 1048. No. 99; and 5, 1120. pp. 277, 278.]

Dec. 18. **742.** Sir C. Hedges to the Council of Trade and Plantations. Cockpitt. The House of Commons having this day given leave for a Bill to be brought in to encourage the importation of Naval Stores from H.M. Plantations in America; it is H.M. pleasure that you prepare a draught of what you think proper for such a bill, and

1704. transmit it to me as soon as conveniently you can to be laid before the House. *Signed*, C. Hedges. *Endorsed*, Reed. Read Dec. 19, 1704. 1 p. [*C.O.* 323, 5. No. 68; and 324, 9. p. 45.]
- Dec. 19. **743.** W. Popple, jr., to J. Burehett. *Encloses* Governor Whitehall. Handasyd's letter of June 19, to be laid before H.R.H. Council. [*C.O.* 138, 11. pp. 356, 357.]
- Dec. 19. **744.** Memorandum of queries delivered to Capt. Bridge relating to the state of Newfoundland. [*C.O.* 195, 3. p. 362.]
- [Dec. 19.] **745.** Copy of Order of Queen in Council, Nov. 19, 1702, Whitehall. for the encouragement of troops sent to the West Indies. [See *Acts of Privy Council*, II. No. 886.] *Signed*, William Blathwayt. *Endorsed*, Reed. Dec. 19, 1704. [*C.O.* 388, 75. No. 104; and 388, 36. pp. 225, 226.]
- Dec. 21. **746.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *In reply* to letter of Nov. 1 (*q.v.*), we have been attended by some persons lately inhabitants of New York, who confirm petition of M. Plowman. The value of the provisions might amount to 600*l.*, as is alledged by petitioner *etc.* We do not conceive his claim to be a debt of justice, yet his condition is such that he appears to us an object of charity. *Autograph signatures.* 1 p. [*C.O.* 5, 1084. No. 23; and 5, 1120. pp. 238, 239.]
- Dec. 21. **747.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* Mr. Lambert's letter (June 27) and extract of letter from Governor Sir W. Mathew relating to an exchange of prisoners. [*C.O.* 153, 9. pp. 69, 70.]
- Dec. 21. **748.** W. Popple, jr., to W. Lowndes. The Council of Trade Whitehall. and Plantations desire you to move my Lord Treasurer that they may have from the Commissioners of Customs an account of the pitch, tar, rozin, and hemp imported from Christmas, 1702, to this time, with the particualr places from whence imported, with all convenient speed. [*C.O.* 324, 9. p. 46.]
- [Dec. 23.] **749.** Mr. Jackson, Minister at Newfoundland, to the Council of Trade and Plantations. *Encloses following*, "giving the occasion of the souldiers' revolt from the Fort and service, that your Honours may use your best interest and speediest care for its security next year, that a fresh company may be sent over with officers of integrity *etc.*" *Signed*, John Jackson. *Endorsed*, Reed. Dec. 23, Read Jan. 9, 1704. *Addressed. Sealed. Holograph.* 1½ pp. *Enclosed*,
749. i. Soldiers at St. John's to H.M. Pray to be relieved. Seated in a hard and unhospitable country, most of us have served for 7 or 8 years, living in hopes for these four years last past of being relieved, *etc.* Sept. 9, 1704. *Copy.* 1 p.

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749. ii. List of Officers and Soldiers at Newfoundland. [*Signatories of preceding.*] 1 p.
749. iii. Masters of ships and inhabitants of Newfoundland to Commodore Bridge. *Petition* his care in preventing the threatened desertion of the soldiers. St. John's Harbour, Sept. 2, 1704. 17 *Signatures*. Copy. 1 p. *Endorsed as letter.*
749. iv. Certificate of the soldiers at St. John's in favour of Mr. Jackson. He was in no way an abettor of our revolt from Capt. Lloyd, *etc.* Sept. 16, 1704. 68 *signatures*. *Endorsed as preceding.* Copy. 1 p.
749. v. Certificate of the Inhabitants of St. John's Harbor and Masters of ships as to the sober and peaceable life of John Jackson, *etc.* July 21, 1704. 82 *signatures*. *Endorsed as preceding.* Copy. 2 pp.
749. vi. Declaration of the Old and Chief Inhabitants of St. John's Harbor. Capt. Lloyd hath used his utmost endeavours to seduce us from the service of God in this place. He has used the Queen's money and his office to engross commodities on their arrival and force up prices against us. Whereas he has often summoned us and our men to the service of the Queen's Garrison, we cannot get our pay, altho' allowed him by the Queen; instead of money many of us have received blows. He raised 30*l.* or 40*l.* tax upon the inhabitants for the charge of spies to Placentia, and forced them to be contented with some small quantity of liquor. He bought great quantities of liquor and compelled his soldiers to buy rum of his sutlers at 3*s.* per gall. The testimonials in his favour were given thoughtlessly by men ignorant of his behaviour, *etc.* 21 *signatures*. *Endorsed as preceding.* 2 large pp. [*C.O.* 194, 3. Nos. 40, 40*i.*-vi.; and (without enclosures) 195, 3. pp. 364-366.]

Dec. 23. **750.** Mr. Davenant to Mr. Popple. *Encloses* account of hemp Custom House. and rozin, pitch and tarr imported in 1702, 1703. *Signed*, Charles Davenant. The amounts from the Plantations:—1702: Carolina, pitch and tar, 18 last, 4 barrels; New England, 26*cwt.* rozin; Virginia and Maryland, pitch and tar, 4 last, 3 barl. 1703: Carolina, pitch and tar, 34 last, 10 barl.; New England, 48*cwt.* rozin; 5 last pitch and tar; Virginia and Maryland, pitch and tar, 2 last, 2 barl. [*C.O.* 412, 549. pp. 343-345; and 389, 18. pp. 329-331.]

Dec. 28. **751.** Lt. Governor Bennett to Mr. Popple. *Refers to* Bermuda. *following.* *Signed*, B. Bennett. *P.S.*—The enclosed peice of counterfeit money was produced with several others on the trial of Lt. Henley, *etc.* *Endorsed*, Reed. 18th, Read April 24th, 1705. *Addressed.* *Holograph.* 1 p. [*C.O.* 37, 7. No. 5; and 38, 6. p. 105.]

Dec. [? 28]. **752.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. *Refers* to letter of Oct. 20 *etc.* I have again

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enclosed one Sollomon Sears his affidavit, and transmitted copies of the same to my Lord High Admiral and Mr. Secretary Hedges, and by the vessell that carries this to Jamaica (in order for the packet boat) I send an attested copy under the seal of the Island to the Governor there. *Repeats part of letter of Oct. 20. Encloses,* Proceedings on two Indictments the last Assizes against one Mr. Henley, Lieut. to H.M. Company of Foot here, together with other papers relating to him, copies of all which I have also sent to Mr. Secretary Hedges. As for the Soldiers' Petition concerning their Officer, that was presented to me some time before his trials, but I delay'd ordering an examination thereon, because I would not load him with afflictions, but the men have so often solicited me for a hearing, that I could not reasonably avoid having their affidavits taken and promised to transmit them home. Least I may be thought (or by management from hence be said) to have been prejudiced to the Lieut., I think it will not seem ungenerous to incert, that from the first three months after his coming here (which is now above $3\frac{1}{2}$ years) I have continually contributed towards his support, for his pay as Lieut. was not sufficient considering his charge, which kindness he in part owns in one of his trials, by saying I had been a father to him. I would not have permitted him to have been indicted for threatening to kill me, had he not exprest himself to that purpose more than once, for being informed by one Charles York that he had spoke to that purpose, I sent for Lieut. Henley, and charging him with it told him, if he took anything ill of me, I would give him the opportunity of taking a more gentleman-like satisfaction than basely murdering me, but he with all the imprecations imaginable denied the whole matter; some time afterwards the Attorney General told me that by witnesses he could prove the Lieut. had several times declared he would shoot or stab me, and added that a soldier in the Company would discover that he was guilty of coining, but was afraid, for that his Lieut. swore he would shoot him through the head if ever he betrayed him. Upon which I ordered the Justices of the Peace to enquire into it, and the consequences were as sett forth in the enclosed trials. As for his Petition to me herewith sent, I know not the meaning, for every thing that's requested I had granted before that was delivered, but he's under the management of Capt. Nelson, therefore expect all the contrivances that can be. I am concern'd for his family, and hope H.M. will be graciously pleased to consider their unhappyness, especially as to the fine. My letters to your Lordships since June 10, were of Aug. 12 and duplicate thereof on Oct. 20, *etc.* To my brother I transmitted all Proceedings against Capt. Jones, late Sheriff here, concerning the perjury *etc.*, which I presume he has laid before your Lordships. Amongst the Proceedings at the Assizes, there's an Indictment against Capt. Nelson, the matter in which demonstrates inveterate and canker'd malice, and that they will stick at no inventions to hurt my character in these parts, few people knowing the dignity of the post of Head Bailiff of Westminster, and I presume it's equally as inconsistant to beleive my father under that

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character should suffer his mother to keep an Ale house as he to doe it himself. My Lords, I am sorry the many accidents and disturbances that hath attended this Government occasions my letters generally to be so tedious, but I hope I do not suffer under the censure of impertinency. *Signed*, Ben. Bennett. *Endorsed*, Recd. 18th, Read April 24th, 1704. *Holograph*. 3½ pp. *Enclosed*,

- 752. i. Affidavit of Solomon Seares. *Duplicate of No. 613.i.*
- 752. ii. Copy of Petition and Affidavits of the Company of Soldiers at Bermuda for a Court Martial to try Lieut. Robt. Henley, for encouraging his men to steal. He is of such a morose, severe and treacherous a temper that we dread the continuance of his command etc. 41 *signatures*. *Endorsed as letter*. 5 pp.
- 752. iii. Lt. Henley to Lt. Governor Bennett. *Professes* repentance for his crimes and prays for credit for his subsistence money. *Signed*, Robt. Henley. *Endorsed*, Recd. April 18, 1704. ¾ p.
- 752. iv. Copy of warrant for the arrest of Lt. Henley, upon evidence of his threatening to shoot the Governor and coining counterfeit Spanish money. Nov. 8, 1704. *Signed*, Tho. Burton, Danl. Johnson, John Dickenson, Wm. Outerbridge, Richd. Gilbert. 4 pp.
- 752. v. Copy of proceedings of a Court of Assize, Bermuda, Dec. 4-9, 1704. The Grand Jury:—Christopher Smith, foreman, John Askew, Hump(h)rey Burchall, James Wright, Jeremiah Burges, William Watlington, Samuel Newbold, John Harriott, Lt. Thomas Wood, George Tucker, Wm. Davis, senr., Wm. Cox, senr., Horatio Mathelyn, Wm. Baisden, John Lightbourne—returned a true bill against Lt. Henley, on the evidence of Dr. Josias Starr, Sarah Forster, and Charles York, for threatening the Governor, and another for coining. He was acquitted of the latter charge. Jury: Capt. Daniel Keele, Foreman, Abraham Adderly, Stephen Wright, Samuel Dunscombe, John Righton, Elias Stobald, John Outerbridge, Thomas Wilkinson, Wm. Righton, Josias Forster, Thomas Burch, Capt. Jeremiah Burrows. Condemned on the former charge to be imprisoned till H.M. pleasure be signified, and fined 500*l.* sterl. 8 pp.
- 752. vi. Copy of proceedings of the same Court of Assize. A true Bill was found against Gilbert Nelson for stirring up sedition by saying the Governor was the Duke and had none but perjured villains in his Council, except two, and they were but indifferent because they knew no better, and that ever since the Governor came here he hath protected villainy and perjury, and therefore could not be much better himself; that H.E.'s grandmother kept an ale-house, and that "if this is all, the head Bailiff of Westminster did keep an ale-house" etc. He was granted a traverse until the next Assizes. A

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verdict of chance medley was returned against Benjamin Stow, who accidentally killed his companion Thomas Ming.

Indictment against Dr. Josias Starr for vilifying several Members of Council *etc.* quashed, owing to an error in the commitment by the Clerk.

Traverse to the next Assizes allowed upon the indictment of Mathew Newnam for a common disturber of the peace. *Endorsed as letter.* 2½ pp. [C.O. 37, 7. Nos. 6, 6.i.-vi.; and (without enclosures) 38, 6. pp. 105-114.]

[Dec. 29.] **753.** Capt. Lloyd's reply to the charges against him. [See No. 606.] *Refers to enclosures.* There are several forgeries among the signatures. This mutiny was chiefly caused by Mr. Jackson, the Chaplain. *Endorsed, Recd. Read Dec. 29, 1704.* 2½ pp. *Enclosed.*

753. i. Certificate of the Masters of ships in St. Johns Harbour in praise of Capt. Lloyd. Sept. 5, 1704. 42 *signatures.* 2 pp.
753. ii. Certificate of Inhabitants of St. Johns Harbour in praise of Capt. Lloyd. Sept. 16, 1704. 64 *signatures.* 2½ pp.
753. iii. Enquiry held by Capt. Timothy Bridge, C. in C. of the Newfoundland Convoy, Sept. 12, 1704. Upon the petition of the soldiers, enquiry was made into the behaviour of Capt. Lloyd. It was found that he had strictly complied with his orders from England and paid the soldiers their full subsistence, cloathing, *etc.* to May 1st. By the unanimous declaration of the inhabitants it appears that he has at all times acted like a man of honour and good Governor, and given much encouragement to the industry of the people and fishery here, and that by his prudent management the desertion of many of the said soldiers has been prevented. The great desire the soldiers have to return to England, and not any ill-treatment they have received from Capt. Lloyd, is the sole occasion of their uneasiness and complaint against him, and that they threaten to desert, in hopes thereby to be the sooner relieved by other men from England. Capt. Lloyd is hereby ordered aboard H.M.S. *Looe* for England, in order to his laying before H.M. the uneasiness of the soldiers *etc.* *Signed,* T. Bridge, Jona. Spann, P. Chamberlen, David Roberts, Adml., Henry Haryman (?), Vice-Adml. 4 pp.
753. iv. Petition of Masters of ships and inhabitants of St. Johns to Capt. Lloyd for aid from the garrison in curing their fish, "by reason of the great want of men in this place." *Signed,* Henry Hayman, senr., Robt. Holdsworth, John Pounce, John Marshall, John Collin. 1½ pp.
753. v. Receipt for the payment of the Company till Sept. 22, 1704, with *pay sheet.* 2 large pp.

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753. vi. John Roope to Capt. Lloyd. St. John's, July 6 and Aug. 7, 1704. Applies for and acknowledges receipt of 20 and six men to go to Shoale Bay to fetch the timber for fixing the boom. *Signed*, John Roope. $1\frac{3}{4}$ pp.
753. vii. Officers' assignment of men in response to *preceding*. July 6, 1704. *Signed*, Tho. Lloyd, John Moody, Robt. Latham. $\frac{3}{4}$ p.
753. viii. Certificate by Lt. Latham as to Capt. Lloyd's readiness to assist in forwarding the boom *etc.* Oct. 11, 1704. *Signed*, Robert Latham. $2\frac{1}{2}$ pp.
753. ix. Capt. Bridge to the Council of Trade and Plantations. The soldiers who subscribed John Adams' certificate refused to swear to it when summoned by me. It appeared upon oath to me that Adams opposing the work, Capt. Lloyd, to prevent any prejudice from his example, corrected him with a small cane, but not so as to injure him. Adams (*see Nov. 15*) appeared a person of a debauched life and was convicted of burglary. The Admirals agreed with me that he was in the wrong. *And see No. iii.* *Signed*, T. Bridge, H.M.S. *Looe*, Dedforde, Dec. 6, 1704. 1 p.
753. x. Affidavit of Michael Clarke, late of St. Johns. Adams obtained the soldiers' signatures when they were "very much concerned in drink," *etc.* *Signed*, Mich. Clarke. 1 p.
753. xi. Affidavit of M. Clarke. Mr. John Jackson, the Minister, intrigued with Lieut. Moody and the soldiers against Capt. Lloyd, treating them with wine *etc.* *Signed*, Michl. Clarke. 1 p.
753. xii. Receipts of the spies for the money paid them for going to Placentia. *Signed*, Ed. Raw (X), Jn^o. Jordan, John Knight (X), Phill. Morris (X). Sept. 1704. 2 pp.
753. xiii. Officers of the Garrison at Fort William, St. Johns Harbour. Certificate in praise of Capt. Lloyd. Oct. 5, 1704. *Signed*, John Moody, Robt. Latham, John Huxford, Tho. Adams. 1 p.
753. xiv. Certificate of Capt. Bridge, Capt. Spann and Capt. Chamberlain that on Sept. 13, 1704, a considerable number of the inhabitants owned that they freely signed a paper in favour of Capt. Lloyd, desiring that he might be continued amongst them. *Signed*, T. Bridge, Jona. Spann. $1\frac{1}{4}$ pp. [C.O. 194, 3. Nos. 39, 39.i-xiv.]

Dec. 31.
Jamaica.

754. Governor Handasyd to the Council of Trade and Plantations. Since mine of Dec. 17, I have got the Minutes of the Assembly, which I could not obtain before, they still pretending one frivolous excuse or other, as I do imagine being ashamed of their Proceedings. I send them to your Lordships, by which you will plainly see what a headstrong, ungovernable people I have to deal withall, who are so much bigotted to their own opinions that they think themselves above both the laws

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of God and man. I am mighty apprehensive of their unhuman proceedings to the two Regiments here, the next Assembly; the Quartering Act will expire Aug. 1; they publicly declare they will allow 7s. 6d. a week to the private sentinalls, and nothing at all to the Officers, they saying they have no occasion for the Officers, but for the Soldiers to be their drivers and to people the country; which resolution if they should continue in, it will be an impossibility for the Officers to live. Therefore I humbly recommend to your Lordships' consideration, what methods shall be taken that I may be prepared if the worst should happen; and I do assure your Lordships that all prudent care imaginable shall be taken to endeavour to reclaim them by fair means, still preserving H.M. royal authority and the interest of Old England, neither of which must ever be lost where I am concerned, whilst I have a drop of blood in my veins to defend them. Once more I must heartily recommend to your Lordships our privateers, that some alterations may be made that they may not meddle with the Spaniards, which if they do it will wholly ruine our trade, since the Dutch Governors have orders to make that alteration in their Commissions and Instructions, by which means they will draw the whole trade to themselves, I not daring to make any alterations without first having H.M. or H.R.H. orders. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 3rd, Read March 5th, 1704. 2 pp. [C.O. 137, 7. No. 4; and 138, 11. pp. 379, 380.]

[Dec.] **755.** Copy of Act of St. Christopher's, July, 1702, for presenting Governor Codrington with 50 slaves. *Signed*, Chr. Codrington. 1 p. [C.O. 152, 5. No. 82.]

[? 1704.] **756.** Planters and others interested in Barbados to the Queen. The inhabitants depend upon this Kingdom for the greatest part of the necessaries of life, and there is yearly sent to them from hence to the value of several hundred thousand pounds in corn, cloth and other manufactory of the nation, which does greatly contribute to the encouragement of navigation and keeping up the value of lands and rents. And from the said Island there is imported annually to the value of several hundred thousand pounds more in sugar, cotton, ginger, *etc.*, which in times past were made and sold cheaper here than elsewhere and therefore the greatest part of them are sent abroad and sold in forraign places, and bring in a considerable annuall gain to the nation, more valluable than mines of gold and silver in respect of navigation and breeding seamen, employing our own people *etc.*, as well as making the ballance of trade in our favour, *etc.* This so valluable and important an Island is in a languishing and decaying condition and unable to defend itself either against insurrections of the slaves or the invasions of an enemy, the planters and inhabitants are diminished, impoverished and burthened that they are not able to help themselves; within 20 years the Christian people there are lessened two thirds, and the Planters that remain do not make fower *per cent.* one with another

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of their Plantations. By reason of the late importation of great quantities of sugar from the East Indies by the Dutche, the impossibility of getting servants to go over, the danger and dearnes of navigation, negroes and other necessaries, the heavy duties that are on sugars, and particularly that which is refined in Barbados, the daily increas of forraign sugar Plantations *etc.*, the Planters have just reason to beleive their condition will still be worse, if some timely remedy be not applied. The same is not unknown to our enemies, who being very near at hand and sensible of the vallue of the Island and its present weakness, have an eye upon us. And therefore in time of war, to prevent them making descents and carrying away of nigroes and ships, and to hinder the slaves and other ill-disposed persons from running of to the enemy, it is of absolute necessity that the forts and batteries, which are 28 in number, shall be continually guarded with a competent number of soldiers, which has been usually done by regular troops sent from England, but now there are none of H.M. forces there. And therefore the Christian inhabitants (who are every one that can bear arms listed in the Militia) have been forced during this present war to do that dutie, and therefore being by turns night and day employed in services they have not been enured unto, they are put to great trouble and charges, many of the poor inhabitants' wives and families being robbed in the night by slaves, while the men have been upon that duty, many others have dyed, and the meaner sort for fear of the danger and expence daily leave the Island to go to the Northern Plantations, and there are not now servants to be got from England or Scotland upon any terms to supply that deficiency, by means whereof, and the late war and sieknes the Island is greatly depopulated and in danger to be totally ruined. If the inhabitants that are destroyed and deserted by reason of the fatigue and expence of the Militia and the duty of guarding the forts had been preserved and employed with their families in making sugar, ginger and cotton, this nation had been thereby annually enriched much more than the expence of 500 regular troops. *Pray for an effectual remedy. Signed,* Robert Davers, J. Kendall, Wm. Bridges, Rd. Scott, Mel. Holder, Jno. Walter, Rowld. Tryon, John Hill, Wm. Griffith, Tho. Foulerton, Saml. Herbert, W. Andrews, John Gray, Tho. Gibbs, Thom. Waite, Tho. Forster, Wm. Tryon. *1½ large pp. [C.O. 28, 38. No. 34.]*

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757. Agents of Barbados and other Gentlemen of estates in and merchants trading to Barbados to the Queen. On Oct. 17, and 3 other times, petitioners applied in vain to be heard by the Council of Trade and Plantations before they reported upon the matter of George Lillington, not doubting to have fully satisfied their Lordships that the complaints of Lillington were false and groundless. *Pray that the Order of Council [Nov. 16] may be suspended and the matter further examined into. Signed,* Pat. Mein, Robt. Steward, Tho. Foulerton, Saml. Childe, J. Kendall, Jno. Walter, Wm. Walker, Raynes Bate, Robt. Davers,

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Jno. Bromley, Richard Scot, Richd. Bate, Robt. Chester, J. Stanley, Wm. Bridges, Mel. Holder, Wm. Clealand. [*C.O.* 28, 38. *No.* 33.]

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758. Agents of Barbados to Sir Charles Hedges. *Pray* H.M. confirmation of Col. Alleyn, Col. Clealand, and Col. James Colliton, appointed by the Governor to the Council of Barbados, they being Gentlemen of known loyalty and well qualified to serve H.M. *No date, signature or endorsement.* [*C.O.* 28, 38. *No.* 32.]

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759. Merchants trading to Newfoundland to the Queen. *Praise* Capt. Lloyd, and propose that he command an expedition of 500 men to surprise Placentia in the winter when the French ships are returned to Europe. Mr. Jackson, the Minister, has been the occasion of all the disturbances that have hapned of late in Newfoundland. 20 *signatures.* [*C.O.* 194, 22. *No.* 10.]

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760. Acts of Antigua. [*C.O.* 8, 3. *pp.* 148ff.; and 8, 1. *pp.* 201ff.]

761. Acts of Barbados. *Printed.* [*C.O.* 30, 4. *pp.* 206ff.; and 30, 1. *pp.* 159ff.; and 30, 3. *pp.* 380ff.; and (*MS.*) 30, 6; and 319, 1. *pp.* 222ff.]

762. List of Acts of Barbados, Bermuda, Jamaica. [*C.O.* 5, 274.]

763. Acts of Bermuda. *Printed.* [*C.O.* 39, 2. *pp.* 65ff.; and (*MS.*) 39, 4.]

764. Acts of South Carolina. *Printed.* [*C.O.* 5, 411. *pp.* 105ff.]

765. Acts of Jamaica. *Printed.* [*C.O.* 139, 8. *pp.* 107ff.; and (*MS.*) 139, 9.]

766. Acts of the Leeward Islands. [*C.O.* 154, 6. *passim.*]

767. Acts of Maryland. *Printed.* [*C.O.* 5, 730; and 5, 732; and 5, 729.]

768. Acts of the Massachusetts Bay. *Printed.* [*C.O.* 5, 772. *pp.* 227ff.; and 5, 773. *p.* 147.]

769. Acts of New Hampshire. *Printed.* [*C.O.* 5, 948. *pp.* 25ff.; and (*MS.*) 5, 951. *pp.* 9ff.]

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770. Copy of an Act of New Jersey for settling and ascertaining the current rates of foreign coyns, in pursuance of H.M. Proclamation of June 18, 1704, and the letter of the Council of Trade, June 29, 1704. [*C.O.* 5, 980. *No.* 34.]

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771. Acts of New Jersey. *Printed.* [*C.O.* 5, 1005. *pp.* 3ff.; and 5, 1004.]

772. Acts of New York. *Printed.* [*C.O.* 5, 1145. *pp.* 57ff.; and 5, 1146.]

773. Acts of St. Christophers. [*C.O.* 240, 1. *pp.* 5ff.]

774. Acts of Virginia. *Printed.* [*C.O.* 5, 1380, 1381, 1382.]

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775. Abstract of Letter from the Governor of New York. [*C.O.* 5, 1133. *pp.* 155*ff.*]

776. Abstracts of letters from Governor Handasyd. [*C.O.* 137, 41.]

777. Abstracts of letters from Governor Sir Wm. Mathew and Lt. Governor John Johnson. [*C.O.* 152, 36. *pp.* 1*ff.*]

778. Abstracts of letters from New Hampshire. [*C.O.* 5, 944. *pp.* 1-3.]

779. Abstracts of letters from Col. Quary. [*C.O.* 5, 922. *pp.* 1*ff.*]

780. Abstract of Grants of Land, New York. [*C.O.* 5, 1134. *p.* 75.]

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781. List of Grants of Lands in South Carolina, with quit rents. [*C.O.* 5, 398. *pp.* 20-27.]

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782. Extract of Lord Cornbury's Commission for the Government of New York, relating to grants of lands. 1 *p.* [*C.O.* 5, 3. *No.* 20.]

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783. MS. Index of documents relating to Plantations General, [*C.O.* 326, 49.]; to Jamaica [*C.O.* 326, 39]; Virginia [*C.O.* 326, 31]; Maryland [*C.O.* 326, 20].

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1705. **784.** W. Lowndes to Mr. Popple. Mr Lord Treasurer desires
 Jan 2. you to lay before the Council of Trade and Plantations for their
 Treasury opinion the petition of John Taylor, relating to a particular duty
 Chambers. demanded by the Government of New England upon his ships,
 though built in that country for transporting masts hither,
 because himself is not an inhabitant there. *Signed*, Wm. Lowndes.
Endorsed, Reed. Read Jan. 4, 170 $\frac{1}{2}$. 1 p. [*C.O.* 5, 863. No. 126;
 and 5, 911. pp. 404, 405.]

Jan. 2. **785.** Order of Queen in Council. Referring to the Council
 St. James's. of Trade and Plantations the enclosed petition for their Report.
Signed, John Povey. *Endorsed*, Reed. Read March 12, 170 $\frac{1}{2}$.
 $\frac{3}{4}$ p. *Enclosed*,

785. i. Sir T. Lawrence to the Queen. Prays that directions
 be sent to the Governor of Maryland for settling H.M.
 office of Secretary there in the quiet enjoyment of its
 rights. *Copy.* 4 pp. *Set out, Acts of Privy Council*, II.
 No. 1042. [*C.O.* 5, 715. Nos. 82, 82.i.; and 5, 726.
 pp. 301-305.]

Jan. 2. **786.** Mr. Penn to the Council of Trade and Plantations.
 2 $\frac{m}{11}$ (Jan.), Since my last proposall seemed to you to elogg the practicableness
 1704. of the thing desired by you, to witt, the Resignation of my
 Governmt. to the Queen, because of the reservations made by me
 upon it, I write this to let you know, that since it is made so
 difficult to me [*to ?*] hold, I shall wave those conditions yt. were
 in my own favour, and shall be satisfied with my seigniory and
 Proprietary priviledges, with this only saving to me and my
 successors, that we shall be exempted from troublesom offices
 and ye Publiek Taxes, and that the inhabitants may have their
 entire Liberty of Conscience, and be continued as capable and
 eligible to any civil employments as hetherto they have been,
 the People called Quakers especially. because of their number
 and wealth, and that they chiefly made it a country; which I
 desire you to report to the Queen, with a just regard to my vast
 expence and ffateigue these 30 yeares, employed to get and make
 it and maintain it to the present unpresidented progress the place
 is arrived at, and you will much oblige Your respectfull Friend,
Signed, Wm. Penn. I propose another Lt. Governour to be ap-
 proved, to succeed the present Gentleman in case of death, that
 there may be no disorder or failure in Governmt. on such an accident.
Holograph. 2 $\frac{3}{4}$ pp. [*C.O.* 5, 1263. No. 3.]

[Jan. 3.] **787.** Mr. Robt. Livingston to the Council of Trade and
 Plantations. *Prays* that they recommend to H.M. that he be
 restored to his Office of Secretary for the Indian Affairs at New
 York and that his salary be paid out of the 30 p.c. and, for the
 future, out of H.M. Quit-rents. *Signed*, Robt. Livingston.
Endorsed, Reed. Read Jan. 3, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. *Enclosed*,

787. i.-vii. Copies of Documents relating to his Appointment
 and Suspension. *Cf.* Dec. 14, 1704. *The whole* 11 pp.
 [*C.O.* 5, 1048. Nos. 100, 100.i.-vii.]

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- Jan. 3. **788.** Mr. Penn to the Councel of Trade and Plantations.
 3 ^{pp}/₁ (Jan.). Honble. Friends. To explaine my selfe upon ye termes, offices
 and taxes, in my Letter of yesterday. I mean by offices any one
 under ye Governr., weh. is not of our own seeking, Civil or Military,
 and by taxes, not to pay pole mony, or any land or mony tax,
 I mean not customs, or tradeing imposts. I begg your dispatch
 in this affaire, being as I conceive come to ye point you exprest
 to satisfy you when my first and large memoriall was presented
 to you; takeing this with you; yt. ye Bill in Parl. gave me no
 time to settle a Revenue to my own great expence for these
 3 years in defraying ye charges there, and so long expensive
 attendance here to issue my languishing affaires: as also that
 ye first year after my arrivall there, ye Queen's Revenue augmented
 from 2 or 300*l.* per ann. to 2,000*l.* per ann., and ye year 1700
 8,000*l.* and odd monys paid, as I have certificats to show out of
 ye Custom-house books here, weh. I think is a present advantage
 to ye Queen, and she will have it more in her own power to
 augment ym. by ye care of her own officers and Gover. I am
 with a just esteem, Your respectf. Friend, Wm. Penn. *Holograph.*
 3 pp. [*C.O.* 5, 1263. No. 2.]

- Jan. 4. **789.** W. Popple, jr., to W. Lowndes. In reply to yours of
 Whitehall. Jan. 2, the Council of Trade and Plantations have not as yet
 received any such Law from New Hampshire, and it not being
 specified in Mr. Tayler's petition what those duties are, they will
 write to Col. Dudley that he do forthwith transmit the said
 Law, in order to their laying the same before H.M. for her dis-
 allowance, if there shal be cause. The mast ships already there
 will be come away before any orders can be received there.
 [*C.O.* 5, 911. pp. 405, 406.]

- Jan. 5. **790.** Mr. Secretary Hedges to the Councel of Trade and
 Whitehall. Plantations. H.M. refers the enclosed papers back to you for
 your consideration, and if you have anything to propose for H.M.
 service relating to that place, or that you are of opinion it may
 be reduced, you will please to report by what means you think
 it may be done, and what strength may be sufficient. I send you
 also [*for your report thereon*] severall papers relating to some
 disorders at Newfoundland, and the mutiny of that garrison,
 which may be of ill consequencee if some immediate care be not
 taken to prevent the same, etc. Signed, Ch. Hedges. *Endorsed,*
 Recd. 8th, Read Jan. 9th, 170⁵/₃. 1 p. *Enclosed,*
 790. i. Lt. Moody to [? the Council of Trade and Plantations].
Duplicate of No. 598. 1 p.
 790. ii. Petition of Inhabitants of Newfoundland to
 Commodore Bridge. *Duplicate of Dec. 23, 1704.*
 1 p.
 790. iii. Petition of Soldiers at Newfoundland to Commodore
 Bridge. *Duplicate of Dec. 23, 1704.* 1 p. [*C.O.* 194,
 3. Nos. 41, 41.i.-iii; and (*without enclosures*) 195, 3.
 p. 367.]

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Jan. 5. **791.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose draught Bill for encouraging the importation of Naval Stores from the Plantations (annexed).* (See Dec. 18, 1704.) [*C.O.* 324, 9. pp. 47-55.]
- Jan. 5. **792.** Sir Wm. Mathew's Commission to be Governor of the Leeward Islands. *Same* as that of Governor Codrington. [*See Cal.* 1699. No. 382.] *With addition:* In case of the death or absence of the Governor, the Lt. Governor of Nevis is to execute this Commission, or in case of his death or absence, the Council of Nevis, the first Councillor nominated to preside. "We have revoked and determined by these presents our Commission to Christopher Codrington." [*C.O.* 153, 8. pp. 333-363.]
- Jan. 9. **793.** J. Clifford to the Council of Trade and Plantations. The Earl of Pembroke, Lord President of H.M. Privy Council, directs me to acquaint you that report of my business be made without any further delays, etc. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read Jan. 10, 170 $\frac{1}{2}$. *Addressed. Sealed.* 1 p. [*C.O.* 388, 75. No. 107; and 389, 36. pp. 230, 231.]
- [Jan. 9.] **794.** List of ships arrived in England out of the Fleet which sailed from Barbados and the Leeward Islands Oct., 1704, 108 strong. Arrived from Barbados 26, Montserrat 4, Antigua 17, Nevis 12. Arrived at Lisbon 2, and 4 men of war=65. Carried to St. Malo 23, to Brest 7, missing 13=43. *Endorsed*, Communicated to the Board by Mr. Berwick [=Barwick]. Recd. Read Jan. 9, 170 $\frac{1}{2}$. 1 p. [*C.O.* 152, 6. No. 2.]
- Jan. 9. **795.** Mr. Merrett to Mr. Popple. *Encloses following. Signed*, Solomon Merrett. *Endorsed*, Recd. 9th, Read Jan. 23, 170 $\frac{1}{2}$. *Addressed. Sealed.* 1 p. *Enclosed*,
 795. i. Letter from John Roope. St. John, Oct. 12, 1704. *Repeats* No. 626. *Endorsed as preceding.* 1 p.
 795. ii. Petition of Traders in Newfoundland to the Council of Trade and Plantations. St. Johns, Oct. 10, 1704. *See* No. 818.i. 1 p. [*C.O.* 194, 3. Nos. 43, 43.i., ii.; and 195, 3. pp. 384-391.]
- [Jan. 10.] **796.** Mr. Clifford to the Council of Trade and Plantations. Not having heard from your Lordships since mine of Oct. 31, I again petitioned H.M. for relief, which was debated in Council Dec. 14. *Prays* to know whether any report has been made or orders received, etc. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read Jan. 10, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [*C.O.* 388, 75. No. 108; and 389, 36. pp. 232, 233.]
- Jan. 10. **797.** W. Popple to Mr. Clifford. *Enclosing following.*
 797. i. Council of Trade and Plantations to Saml. Shepherd, John Gardner, and Jacob Oosterland. Repeat request of Sept. 13, to look over and transmit Mr. Clifford's accounts. [*C.O.* 389, 36. pp. 234, 235.]

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[Jan. 10.]

798. William Cary on the Trade and Fishery in Newfoundland. We the Merchants, Ship Masters and others inhabiting in the town of Bideford, trading to the New-land, humbly shew the great advantages and profit the French nation have acquired by their Fishery in that country and consequently the vast loss and detriment which has accrued to the English nation. (1) The French by a modest computation, have not less than 500 or 600 sayle of ships employed in that trade, which hath created them such a great number of saylers, as that their ships of war are thereby mann'd and they made formidable to their enemies. (2) Their own country is thereby supplied with fish which consumes great quantities, which otherwise must be furnished by the English as formerly, and likewise carry great quantities to Spain and Portugal and Italy, where they always have the first and best markets, to the great damage of the English, which, as the case now stands, cannot be prevented because they have possessed themselves of the greatest and best part of that land for their fishery, having the best fishing ground, the greatest plenty of fish, and the largest and most convenient places for making and drying the same, and less annoyed by the ice, whereby their fishing voyages are sooner made, and their ships [come] much earlier to their above-mentioned marketts, which they furnish before our ships can arrive there, to the utter ruin and destruction of the English Newfoundland Fishery. Whereas our English nation might have the following advantages and profits by that honest and beneficial trade, if our enemys the French were wholly extirpated thence; and we humbly conceive now having a war declared with them may be the most proper time for doing the same. (1) We might then employ so many ships on that Trade, which usually carry one-third landmen out with them, that thereby there would be such a vast encrease every year of seamen, that the Government could never want saylers to man the fleet on any occasion whatever, the Newfoundland Trade having been by experience found the best nursery for seamen, and the French, for want thereof, would be so weak'ned in their seamen, that their Navy would not be so mann'd as now they are. (2) We should not only have the Spanish, Portugal and Italian marketts to ourselves, but also furnish France, whereby great advantage and profit might be gained, and by the produce of our honest labour, drawn out of the sea, we should bring their silver and other commoditys into this nation, the customs of which would be a great revenue to our [] and advantage to the subject. (3) The Newfoundland Trade requires nothing but the growth and manufacture of our own Nation (salt excepted), as netts, lines, fishing hooks, beef, bier, pork, pease, bisquetts etc., great quantities of which would yearly be exported thither, whereby lands would lett at higher rates, and the farmers be the better enabled to pay their rents; besides the encouragement and great benefit the handicraftsmen and artificers would find thereby. Wherefore this every way beneficial Trade would be of much more advantage than both the Indies, and we should thereby annoy our enemys the French in their most tender part.

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And when it shall please God a peace is hereafter concluded, we presume this advantageous Trade might be wholly and firmly established to the English, by an article that should for ever exclude the French from the same. *Endorsed, Communicated* by Mr. Prior. Recd. Read Jan. 10, 170 $\frac{1}{2}$. 1 p. [*C.O.* 194, 3. No. 42; and 195, 3. pp. 368–371.]

Jan. 10. **799.** Council of Trade and Plantations to the Queen. In Whitehall. reply to Order of Council, Dec. 14, 1704, *recommend* that Mr. Livingston be restored and his salary of 100*l.* be paid. [*C.O.* 5, 1120. pp. 240, 241.]

Jan. 11. **800.** Order of Queen in Council. Ordered as above, and see St. James's. *Acts of Privy Council*, II, No. 954. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 31, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [*C.O.* 5, 1048. No. 101; and 5, 1120. pp. 242, 243.]

Jan. 10. **801.** Council of Trade and Plantations to the Queen. Whitehall. *Recommend* that the supply of ordnance and gunners requested by Gov. Sir W. Mathew (*Sept.* 28, *Dec.* 12) be sent, "or such part as the 4 $\frac{1}{2}$ p.c. now in hand will extend to." [*C.O.* 153, 9. pp. 75, 76.]

Jan. 11. **802.** Order of Queen in Council. Referring above Repre- St. James's. sentation to the Lord High Treasurer to report upon. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 31, 170 $\frac{1}{2}$. 1 $\frac{1}{4}$ pp. [*C.O.* 152, 6. No. 4; and 153, 9. pp. 77, 78.]

Jan. 11. **803.** Order of Queen in Council. *Refer enclosed* to Council St. James's. of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 23, 170 $\frac{1}{2}$. 1 p. *Enclosed*,
803. i. Agents of Barbados to the Queen. *Pray* that the case of Francis Lee, carried aboard H.M.S. *Dolphin* and kept there by Lt. Nicholas Wanley and Capt. St. Loe, be examined. [*See* No. 591, and *Acts of Privy Council*, II. No. 957.] *Copy.* 1 $\frac{1}{2}$ pp. [*C.O.* 28, 7. Nos. 73, 73.i.; and 29, 9. pp. 124–128.]

Jan. 11. **804.** Order of Queen in Council. *Refer* following petition St. James's. to the Council of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 7, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

804. i. John Lesley, Phillip Kirton, Christopher Estwick, Enoch Gretton and Thomas Maxwell, Members of the late Assembly of Barbadoes. Charges and grievances against Governor Sir B. Granville. *Pray* that a day be appointed for hearing the same before H.M. in Council. *Signed*, Jno. Kirton. 10 $\frac{3}{4}$ pp. *Set out*, House of Lords MSS. vi. pp. 367–371. [*C.O.* 28, 7. Nos. 74, 74.i.; and 29, 9. pp. 152–171.]

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- [Jan. 11.] **805.** Robert Baron to the Council of Trade and Plantations. *Prays* them to direct Lt. Governor Bennet to pay him 71*l.* 1*s.* 8*d.* due to him for the care of St. George's Church for 1 year and 9 months at the bidding of the Governor *etc.* [Cf. Dec. 12, 1704.] *Endorsed*, Reed. Read Jan. 11, 170 $\frac{1}{2}$. 1 p. [C.O. 37, 7. No. 1.]

Jan. 11. **806.** Council of Trade and Plantations to the Queen.
Whitehall. *Enclose following. Annexed,*

806. i. Draught of a letter from the Queen to Governor Dudley. We have given directions that 20 cannon with their appurtenances be sent to you for the fort on Castle Island. *Quote part of Representation Nov. 7, 1704, relating to Governors' Salaries and the forts at Pemaquid and Piscataqua.* You are to represent to our Council and Assembly our sense of their great neglect as well of their duty to us as of their own security in this occasion, and again to move them in the most pressing manner to apply themselves immediately to the building the Fort at Pemaquid and to contribute towards the charge of the Fort at Piscataqua, as also to settle a salary upon our Governor and Lieut.-Governor; and you are further to signify unto them, that if they do not forthwith comply with our just expectation herein, they will appear to us undeserving of our Royal favour and bounty towards them on the like occasion. [C.O. 5, 911. pp. 408-411.]

Jan. 11. **807.** Order of Queen in Council. Approving *preceding*,
St. James's. and ordering Instructions to Governor Dudley to be prepared for H.M. signature accordingly. *Signed*, John Povey. *Endorsed*, Reed. Read Jan. 31, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

807. i. The Queen to Governor Dudley, *as in preceding*. 2 $\frac{1}{2}$ pp. [C.O. 5, 863. No. 128; and 5, 751. Nos. 60, 60.i.; and (without enclosure) 5, 911. pp. 414, 415.]

Jan. 11. **808.** Order of Queen in Council. The Council of Trade
St. James's. and Plantations are to prepare an Instruction to Governors of Plantations to return an account of their stores of Ordnance *etc.* *Set out, Acts of Privy Council*, II. No. 956. *Signed*, John Povey. *Endorsed*, Reed. Read Jan. 18, 170 $\frac{1}{2}$. 1 p. [C.O. 324, 9. p. 56.]

Jan. 11. **809.** W. Popple, jr., to Wm. Penn. The Council of Trade
Whitehall. and Plantations having had under consideration your proposall for surrendering your right of government of Pennsylvania to H.M., send you the enclosed queries, unto which they desire your particular and distinct answer in writing to-morrow morning. (1) What is meant by *Seigniority and Proprietary Priviledges*? A full and distinct account is desired what those priviledges are, and how far they are understood to extend. (2) Who is to be understood by the word *Successors* that are to be exempted from publick offices and taxes? Q. Whether by *intire liberty of conscience* anything else is meant, than such a toleration as is allowed

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by the Act of Parliament past here. (3) What is meant by the people called Quakers being continued as capable and eligible to any civil employments? What are those employments? Is it intended such people shall be admitted to employments without taking the oath directed by the Law of England or the Affirmation allowed to Quakers; and will such people allow such persons as in England would be obliged and are willing to take an oath in any publick Proceedings to do the same? [C.O. 5, 1291. pp. 87-89.]

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(12, 11m.
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810. Wm. Penn to the Council of Trade and Plantations. *Reply to preceding.* To the first, I mean all the Royalties that can belong to Paramount Courts, as fines, forfeitures, deadlands etc., with jurisdiction of Courts Leet and Barron, and erecting of manors etc. as exprest in my Graunt, Mines, Minerals, Royall mines and fishes. To the second Querie, I mean by successors, my Blood, discending from me, my children and posterity. To ye third Querie about liberty of conscience, I mean not only yt. relating to worship, but to education, or schools, a coercive Ministeriall maintainance, the Militia. To the fourth Querie, I say, I mean that they may be capable of any civil employmt., but Govers., taking the legal Affirmation of the Country according to custom, from Counsellor to Constable, as they have been from the beginning; which is but just and reasonable in my opinion and every body's else I have talked with on yt. subject, being a country and govermt. made by them, for their own ease, in points where they found themselvs pinch't here, and will very uneasily be made Dissenters in their own country, where also they never excluded or abridg'd any, but only claime equall priviledges and preferments with others, even when twenty to one, and that they may continue so is wt. I desire, as a most reasonable saving, and which I hope will seem so in yr. opinion. *Signed,* Wm. Penn. *Endorsed,* Recd. Read Jan. 12, 170 $\frac{1}{2}$. *Holograph.* 2 $\frac{1}{4}$ pp. [C.O. 5, 1263. No. 1; and 5, 1291. pp. 89-91.]

[Jan. 12.]

811. Extract of Letter from Mr. Roope relating to Placentia, Oct. 27, 1704. *q.v.* *Endorsed,* Communicated by Mr. Blathwayt. Recd. Read Jan. 12, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 194, 3. No. 45; and 195, 3. pp. 380, 381.]

Jan. 12.
Whitehall.

812. Council of Trade and Plantations to Mr. Secretary Hedges. In obedience to H.M. commands [Jan. 5], we desire you to represent to H.M. that we have examined severall persons and papers and find that the mutiny of the garrison at St. John's has proceeded from the soldiers not having been relieved according to H.M. Declaration of Nov. 19, 1702, signifying that such soldiers as desire to be relieved after three years' service in the West Indies shall be relieved accordingly. Whereupon we are humbly of opinion that it is absolutely necessary for H.M. service to relieve that Company by a like number of soldiers and officers, who may have directions to live peaceably and friendly with the

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inhabitants. And as to Placentia we transmit to you the several accounts we have lately received concerning the state of that place, and we are humbly of opinion that it would be of the greatest importance to H.M. service and the good of the English Fishery that the said place be reduced. Besides that that place, lying as it were in the centre of the Northern and Southern Dominions of the French in America, does give a retreat and refreshment to their fleets and ships returning to Europe, to the great advantage of their navigation and the annoyance of H.M. subjects. *Autographs.* 2 pp. [C.O. 194, 22. No. 11; and 195, 3. pp. 382, 383.]

Jan. 16. **813.** Agents of Barbados to Mr. Secretary Hedges. We lately attended the Committee of H.M. Privy Council about a petition of Barbados praying that H.M. would send 500 soldiers thither. Their Lordships acquainted us that there had been a complaint made by some officers who had been at the West Indies, that the inhabitants of those Collonys had not contributed to the quartering their men, which was a great discouragement to others to goe thither; and desired to know what we would propose for encouragement to the forces wee prayed for. We answered that noe soldiers had been sent to Barbados this warr, and therefore the officers' complaint could not mean the people of that Island; that towards the quartering the 500 sent the last warr, the Island did contribute what was sufficient as long as they continued there; and that we were confident the Assembly would not have given us orders to apply soe earnestly for men, of which they stand soe much in need, unless they would contribute soe much as was necessary, with what H.M. allows, for their comfortable subsistence; that we would consult the Gentlemen in England, who have estates in that Island. These did unanimously agree that if H.M. would send 500 men, the Proprietors of the Island would and ought to contribute soe much to the pay allowed by H.M. as would be necessary to quarter them, and that they would signify their opinions to their friends at Barbados. Which we desire you to lay before their Lordships, and also that, since wee attended their Lordships, wee have had an account that the Assembly has voted, that in case H.M. will grant their desire, they will raise a fund to the purpose mentioned, which great charge they would never bring upon themselves, especially at this time, if they did not finde it of absolute necessity. *Signed,* J. Stanley, Wm. Bridges, Mel. Holder, and 21 signatures of those consulted by them as above. 2 pp. [C.O. 28, 38. No. 35.]

Jan. 17. **814.** Mr. Merret and others to the Council of Trade and London. Plantations. The time of the year being come for making preparations for the security of Newfoundland, we humbly offer that one or more men of warr may be ready to sayle from Spithead the middle of March next with the fishing ships, to call at Dartmouth, Topsham and Plimouth for fishing ships of those parts, and proceed directly to Newfoundland with them, which early proceedings may be a means to preserve the country from

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the designs of the enemy; also that one or more men of warr may saile at the same time for Lisbon with the ships that goe thither to load salt etc. and convoy them from thence to Newfoundland. That two or more other men of warr may be ordered to saile by May 20 from Spithead with the sack ships that goe to take of the fish. That by Sept. 10 next, one of said men of warr may be ordered for England with the ships bound home with trayne oyle etc. and one man of warr may proceed and see the ships to Viana, Oporto, and Aveiro, and the other two men of warr may proceed with the ships bound to Lisbon; humbly offering to your Lordships' consideration, that the carrying the ships all to Lisbon and afterwards to see them into the Northerly Ports of Portugall hath been and is a great prejudice to H.M. service, and also a great loss and dammage to the Merchants, for by the long expence of time and so many ships coming to Lisbon they sell their fish to loss, and have not their ships home till June or July, when by this method they may be at home in Jan. or Feb. Whereby H.M. will have the men for her service, and the customes of the wines and other goods three months sooner, and the Merchants will have their wines sound and in order and save three or four months charges, which will be a great encouragement to Navigation, which is now at so low an ebb. Towards effecting this it will be necessary that ye Captains of the men of war be ordered to lye not above 30 or 40 working days in Portugall, and that during most of that time they may be ordered to cruize between the Burlings and North Cape, and often to look into Vigo, which will in all probability prevent the taking severall ships by the privateers out of those places, about 60 to 80 sayle of ships having for these three years last past been taken, the dammage to H.M. Customes sustained thereby may be computed at least 96,000*l.* to 100,000*l.*, beside the Merchants' loss twice as much. And also wee humbly offer that the two first men of warr for the security of the Fishery, and for annoying the enemy, may be ordered within 8 or 10 days after their arrival in Newfoundland and after they have seen the severall ships into their Ports they are bound to, to cruize about Cape de Raze, where they may meet with the ships bound to Quebecke which are generally vry rich, and also will prevent the enemy from insulting the Southern parts as they frequently do in the spring. And that both these men of warr with the latter may be all ordered to cruize in the month of July, to Aug. 24, from Cape Raze to St. Peter's, which they being ordered, may not only destroy said Harbours, but might intercept ye Placentia ships which are coming for Europe about said time. And further, that whatever ships shall be bound from Lisbon to Newfoundland or from England to Newfoundland, and shall give in bond to proceed on said voyage, may be exempted from any embargo that H.M. shall think fitt to lay on shipping, for as this Fishery is at so low an ebb, it cannot bear the consequent charges of an embargo. *Signed*, Solomon Merrett, Simon Cole, Charles Houblon, Hen. Neale. *Endorsed*, Recd. Read Jan. 23, 170⁵. 2 pp. [*C.O.* 194, 3. No. 44; and 195, 3. pp. 393-397.]

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- Jan. 17. **815.** J. Clifford to the Council of Trade and Plantations. *Encloses* following copy of his letter to Messrs. Shepherd etc. [Jan. 10], since which I have neither seen nor heard from any of them. *Signed*, Jer. Clifford. *Endorsed*, Reed. 17 Jan., Read Feb. 1, 170 $\frac{1}{2}$. *Enclosed*,

815. i. J. Clifford to S. Shepherd, John Gardner, and Jacob Oosterland. Jan. 11, 170 $\frac{1}{2}$. Fleet. *Copy*. *The whole* 1 $\frac{1}{2}$ pp. [*C.O.* 388, 75. *Nos.* 109, 109.i.; and (*without enclosure*) 389, 36. p. 236.]

- Jan. 20. **816.** Copy of Memorial presented to the Queen by the
London. Sieur de Vrybergen, Envoy of the States General, for the release of several ships taken trading to France. [*C.O.* 389, 18. pp. 345-347.]

- [Jan. 23.] **817.** Agents of Barbados to the Council of Trade and Plantations. Having instructions from the present General Assembly to justify the proceedings of the Governor, *pray* that they may peruse the Minutes of Council and Assembly, and be heard by Counsel. *Signed*, J. Stanley, Wm. Cleland, Mel. Holder. *Endorsed*, Reed. Read Jan. 23, 170 $\frac{1}{2}$. 1 p. [*C.O.* 28, 7. No. 78.]

- Jan. 23. **818.** W. Popple, jr., to Mr. Lowndes. *Encloses* following
Whitehall. to be laid before the Lord High Treasurer. *Prefixed*,

818. i. Traders in Newfoundland to the Council of Trade and Plantations. Complain of Collin Campbell, Sub-Commissioner of Prizes at St. Johns, who sold 3 prizes brought in there clandestinely, instead of by inch of candle after due notice as the Law directs. St. John's, Oct. 10, 1704. *Signed*, Danll. Courtin, Alex. Smith, Peter Crapp, senr., John Tayler, John Bickford, Henry Hayman, jr., Roger Carter, David Roberts, Joshua Thomas, Henry Hayman, snr., Abra. Passmore, Wm. Lane, Phill. Mannowey. [*C.O.* 195, 3. pp. 389-392.]

- Jan. 23. **819.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. We thought *enclosed* of such consequence as to be fit to be transmitted to you, in order to H.M. pleasure thereupon, since that if the merchants on the Northern Continent do forbear trading and carrying provisions to the Southern Plantations, it would tend to the ruine of those Islands and be of the greatest prejudice to H.M. Customs in England. *Autographs*. 1 p. *Enclosed*,

819. i. Petition of Merchants to Governor Dudley and Minute of Council of the Massachusetts Bay thereon. *See* No. 609.i. *Copy*. 2 pp. [*C.O.* 5, 751. *Nos.* 61, 61.i.; and (*without enclosure*) 5, 911. p. 411.]

- Jan. 23. **820.** W. Popple, jr., to Mr. Lowndes. *Enclosing* extract
Whitehall. of letter from Col. Quarry relating to a prize carried into Maryland, to be laid before the Lord High Treasurer for his directions therein. [*C.O.* 5, 726. p. 300.]

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[Jan. 23.] **821.** Capt. Lloyd to the Council of Trade and Plantations. *Prays* the Board to report upon his case and to represent that his disbursements be paid and that he return to his command at Newfoundland with credit. *Endorsed*, Recd. Read Jan. 23, 170 $\frac{1}{2}$. $\frac{3}{4}$ p. [C.O. 194, 3. No. 46.]
- [Jan. 23.] **822.** Col. Cleland to [the Council of Trade and Plantations]. *Criticises* the charges against Governor Sir B. Granville [Jan. 11], with the aid of the Minutes of Council of Barbados etc. *Signed*, Wm. Cleland. *Endorsed*, Recd. Read Jan. 23, 170 $\frac{1}{2}$. 16 $\frac{1}{2}$ pp. [C.O. 28, 7. No. 75.]
- Jan. 23.
Office of
Ordnance. **823.** Board of Ordnance to the Council of Trade and Plantations. *Desire* to know whether they have any objection to the withdrawal from Jamaica of 7 artificers, "wee having received information that they are not employed there." *Signed*, Ja. Lowther, C. Musgrave, Ja. Craggs. *Endorsed*, Recd. Read Jan. 24, 170 $\frac{1}{2}$. 1 p. [C.O. 137, 7. No. 1; and 138, 11. p. 357.]
- Jan. 25.
Whitehall. **824.** W. Popple to Mr. Burchett. The Council of Trade and Plantations desire Capt. Bridge's reply to their queries Dec. 19 etc. [C.O. 195, 3. p. 398.]
- Jan. 25.
Whitehall. **825.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclosing* following report to be laid before H.M. *Autographs*. 1 p. *Enclosed*,
825. i. Council of Trade and Plantations to the Queen. *Report* on convoy for Newfoundland. *Recommend* as desired by the Merchants of London, No. 814. *Autographs*. 2 pp.
825. ii. Copy of Memorial of London Merchants, No. 814. 4 pp. [C.O. 194, 22. Nos. 12, 12.i.; and (enclosure i. only) 195, 3. pp. 399-402.]
- Jan. 25.
Whitehall. **826.** Mr. Secretary Hedges to Governor Sir B. Granville. *Repeats* instructions about prisoners, Sept. 28, 1704, and *refers him* to the Commissioners for the Exchange of Prisoners. Similar letters to Governor Sir W. Mathew, Governor Handasyde and Lt. Governor Bennet. [C.O. 324, 30. pp. 17, 18.]
- Jan. 25.
Whitehall. **827.** Council of Trade and Plantations to the Board of Ordnance. In reply to your letter of Jan. 23, relating to the sending for over of some artificers now at Jamaica, and we not having had any notice of their going thither, nor any knowledge to what service they were designed, nor having had any account from the Governor concerning them, we have no objection why they may not be recalled, unless the Governor of that Island shall judge them necessary for H.M. service there. [C.O. 138, 11. p. 358.]
- Jan. 25.
Whitehall. **828.** Mr. Secretary Hedges to the Council of Trade and Plantations. Having received from Gov. Dudley an Address to

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H.M. of the Council and Assembly of the Massachusetts Bay, and a Memorial accompanying it relating to arms and ammunition for that Province, I am directed to transmit them for your consideration and opinion, what number of cannon and stores of war may be necessary to be sent thither, to lay before H.M. to-morrow night. *Signed*, C. Hedges. *Endorsed*, Recd. Read Jan. 26, 170 $\frac{3}{4}$. 1 p. [C.O. 5, 863. No. 127; and 5, 911. pp. 413, 414.]

Jan. 26. **829.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *In reply to preceding*, refer to Representation of Nov. 7 and Order of Council thereon, referring the same to the Treasury, where we understand that matter is in a way of despatch. The present Address *etc.* are only duplicates of what was sent by Capt. Cary. *Autographs*. 1 p. [C.O. 5, 751. No. 62; and 5, 911. pp. 412, 413.]

Jan. 26. **830.** Affidavit of F. Lee as to his being carried from Barbados by Lt. Wanley and detained by Capt. St. Loe, *etc.* [See Jan. 11.] *Signed*, Fran. Lee. *Endorsed*, Recd. Read Jan. 26, 170 $\frac{3}{4}$. 3 pp. [C.O. 28, 7. No. 76.]

[Jan. 26.] **831.** Abstract of several letters received from Virginia. Governor Nicholson has vowed vengeance on the Petitioners against him. To terrify people from talking freely concerning him, he sets up Inquisition Courts, giving Commissions to his creatures to examine all persons upon oath, if ever they heard such a man reflect upon the Governor; and obliges them to answer to interrogatories upon oath what they have heard such a one say in private conversation of the Governor; and himself terrifies backward witnesses. He packs juries, striking out and putting in whom he thinks fit; hectors the judges, so that they dare not enter up their order, if he dissents; browbeats the Council; intercepts letters and commands Gentlemen in H.M. name to deliver up their letters to him. He makes H.M. Attorney General prosecute, upon a law made against the authors of rebellion, such as in private conversation complain of his abuses, and so threatens the few lawyers that they dare not defend them. He has published letters from his Agents declaring that all will be decided in his favour. Having lately caused an indictment to be brought against a Minister [*Jno. Monroe*] upon the above Act, after he had in the grossest language abused him and threatened him with his bended fist at his nose, he told him he might date all his misery from the day he married that woman, meaning the sister of one of the Complainants. He gives all the places of profit among those who sign Addresses in his favour, and when by law they are incapable of holding the office, he gives them a blank Commission to fill up with a friend or sell for their own profit, as one of them [Col. Jno. West] lately sold a Sherrif's place for 8,000*lb.* of tobacco. His usage of the Council is so insulting and abusive, that four of them have now desired their friends here, if there be no redress, to petition H.M. to discharge them, *etc.*

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Signed, Phill. Ludwell, Steph. Fouace, James Blair. *Endorsed*,
 Recd. Read Jan. 26, 1704 $\frac{1}{2}$. 3 $\frac{1}{4}$ pp. *Enclosed*,

831. i. Copy of Information of the Attorney General of
 Virginia against Jno. Monroe as in preceding. *Signed*,
 S. Thomson, A.G. Oct. 1704. 3 pp. [C.O. 5, 1314.
 Nos. 36, 36.i.]

Jan. 26.
 Whitehall.

832. W. Popple to Mr. Burchet. The Council of Trade and
 Plantations desire you to move H.R.H. the Lord High Admiral's
 Council that Capt. St. Loe and Lt. Wanley may attend them
 as soon as maybe [see Jan. 11]. [C.O. 29, 9. pp. 130, 131.]

Jan. 26.
 Fleet Prison.

833. J. Clifford to the Council of Trade and Plantations.
 I have neither seen nor heard from Mr. Shepherd etc. since Sept.
Prays the Board to use such further measures as they shall think
 proper. *Signed*, Jer. Clifford. *Subscribed*,

833. i. Account of money due to him from the Dutch Company
 at Surinam. *Annexed*,

833. ii. J. Clifford to Mr. Shippard. Jan. 24. Fleet Prison.
 Proposes to accept 30,000*l.* ster*l.* *Signed*, Jer. Clifford.
The whole endorsed, Recd. Read Feb. 1, 1704 $\frac{1}{2}$. *Addressed*.
Scaled. *Postmark*. 1 $\frac{3}{4}$ pp. [C.O. 388, 75. Nos. 110,
 110.i.; and 389, 36. pp. 237, 238.]

Jan. 26.
 Whitehall.

834. W. Popple to Mr. Attorney and Solicitor General.
Enclosing extract from Gov. Dudley's letter, July 13, relating
 to Connecticut and Rhode Island to be made use of at the hearing
 before H. M. in Council on Thursday. [C.O. 5, 1291. p. 124.]

Jan. 28.
 Council Office.

835. Mr Povey to Mr. Popple. The meeting of the Council
 is put off to Feb. 8, at which time the business of Rhode Island
 and Connecticut is to be heard etc. *Signed*, John Povey. *Endorsed*,
 Recd. Read Jan. 31, 1704 $\frac{1}{2}$. 1 p. [C.O. 5, 1263. No. 8; and
 5, 1291. p. 125.]

[Jan. 29.]

836. Capt. Bridge to the Council of Trade and Plantations.
 Answer to queries of Dec. 19, 1704. At St. John's and Ferryland,
 23 fishing ships, 42 sack-ships, 68,000 quintals of fish taken,
 18,207 hhds. oil. At Fort William most of the carriages out of
 repair. 83 effectual soldiers. The reason of their petition against
 Capt. Lloyd is their large stay in that Country, and H.M.S.
Coventry being taken by the enemy, which they were in hopes
 would bring relief. Capt. Lloyd was never confined by me, but
 ordered by me with the advice of the rest of the Captains that
 it would be of great service that he did go home to represent the
 same. *Signed*, J. Bridge. *Endorsed*, Recd. Read Jan. 29, 1704 $\frac{1}{2}$.
 1 p. [C.O. 194, 3. No. 47; and 195, 3. pp. 402, 403.]

Jan. 31.
 Whitehall.

837. Council of Trade and Plantations to Mr. Secretary
 Hedges. In obedience to Order in Council, Jan. 11, *enclose*
following to be presented to H.M. before the next Council, which
 is put off till Feb. 8. *Autograph signatures*. 1 p. *Enclosed*,

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837. i. Circular Letter to the Governors of Plantations. Whereas by our Instructions you were required upon your arrival to demand an account of the stores of war sent from the Office of Ordnance here, and likewise what other arms *etc.* had been bought with the publick money for the service of our said *Province*, and how the same have been employed *etc.*, and to transmit such an account and inventory of stores remaining yearly, and whereas such accounts have not been duly transmitted by you, We do hereby repeat unto you our Royal pleasure, and do strictly charge and command you to observe our said Instruction in transmitting the said accounts, as also that you send a duplicate thereof to our Master General or Principal Officers of our Ordnance, which accounts are to express the particulars of Ordnance, carriages, ball, powder and all other sorts of arms and ammunitions in our publick stores at your said arrival, and what has been since sent to you, and to specify the time of the disposal and the occasion thereof, it being our pleasure that the said accounts be transmitted every six months or oft'ner as opportunity shall offer for our better information, and duplicates thereof by the next conveyance. [*C.O.* 5, 3. *Nos.* 21, 22; and 324, 9. *pp.* 57-59.]

Jan. 31. **838.** W. Popple, jr., to the Lord Bishop of London. *Encloses*
Whitehall. extract of Governor Dudley's letter, July 13, 1704, relating to sending Ministers among the Five Nations of Indians. [*C.O.* 5, 911. *p.* 447.]

Jan. 31. **839.** Governor Sir B. Granville to the Council of Trade and
Barbados. Plantations. *Acknowledges* letter of Nov. 30. I am very much troubled that any of your Lordships' time should be taken up in hearing complaints against me. I have no other concern, being very confident that whenever you shall be pleased to let me know what they are, I shall clear myself *etc.* I have indeed seen some papers spread about here stiled copies of Petitions to the Queen, one of them signed by seven persons as far as it charges me is in the publick acts of Government, and every part of it will appear groundlesse out of the Minutes of Council and Assembly. The other, from four suspended Concellours, gives a reason for my suspending of them which I never gave nor had occasion to give—nothing can be more untrue then that I procured that bill to be brought into the Assembly, then that I intended any advantage to me by it, then that I would have accepted of it, if it had been offered me, or that I knew their opinion of it. That Bill was began in the Assembly and laid asleep there without ever being sent up to the Council and that, too, long before their suspension, which likewise appears in the Minutes of Council and Assembly. The nature of my accusation admits of no other proof then what appears in the Council books, nor needs any then what they own generally in their answers. We differ only

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in the conclusion. Your Lordships have condemned the behaviour of the absenting Assembly-men. I lookt upon the behaviour of the four Councillours the support and encouragement given to it, and for that I condemned them. Their opinions are before your Lordships entred in the Minutes of the Council. I very much wish their arguments and discourse upon this occasion at the Council table were so too. However, I rely upon what is there, and submit myself to your Lordships' judgment. If the event may be allowed to justify the means, I have no reason to repent what I have done; instead of all publick matters being at a stand (as it was before) the Assembly meets, the publick debts paid, some provision made for the fortifications, a brigantine and sloop set out to protect the trade, a prison provided for debtors and malefactors, the Courts of Justice give dispatch to businesse, and more particularly the Chancery, where the Lists, from 30 sheets it has often swelled to, is now reduced to one; all factions and animosities almost extinguished, there being no other remains of it then what is kept up by the 11 Petitioners, who give out they are countenanced at home, my proceedings condemned and they all to be restored. If anything should stick with your Lordships that is not cleared by what is entred in the Council books or ready to be see by the Agents, whenever you are pleased to let me know it, I doe undertake to doe it, having in all things acted with the greatest integrity for H.M. service, even to the impoverishing myself in a Government where soe many others have raised their fortunes *etc.* As to Down's, his charge is entred in the Council books, to which he never gave any answer, some parts of the proofs are there also, but many of them being matters of account whilst he was in the Treasury, could not be ready to be so particularly entred there, but are now all sent over to ye Agents *etc.* My not swearing of him into the Council was upon the unanimous request, advice and concurrence of the Members of Council, he being known by every-body to be a wicked liver, the cheif mover of all seditions and faction, most corrupt whilst in his office of Treasurer, and to have dissipated the publick money. *Refers to enclosed accounts, Acts and Minutes, etc. Signed, Bevill Granville. Endorsed, Recd. 18, Read 26 April, 1705. Holograph. 3½ pp. [C.O. 28, 7. No. 77; and 29, 9. pp. 284-291.]*

Feb. 1.
Barbadoes.

840. Mr. Attorney and Mr. Sollicitor General to the Council of Trade and Plantations. We have considered what method may be proposed for punishing such Members of the Assembly of Barbados as wilfully absent themselves from the said Assembly *etc.* [see Oct. 27, 1704]. The Assembly in Barbados begun and hath been continued by virtue of the Commissions granted from time to time to the Governors of that Island by H.M. Predecessors and by H.M., whereby the Governour is inabled, by the advice of H.M. Council there, to summon and call General Assemblies of the Freeholders and Planters there, and with the advice and consent of the said Council and Assembly or the major part of them, to make laws for the publick peace, welfare and good government

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of that Island, and the number of persons of the Assembly being 22, 12, being the majority of them, is sufficient to be present, and the appointing 15 to be necessary, which was done by an Order of the Assembly, as we are informed, and not by order of H.M. or her Predecessors, or by any Act of the Assembly confirmed by H.M. or her royall Predecessors, is irregular, and could not alter the quorum appointed by H.M. Commission. As to the case of the absenters, we are humbly of opinion, that they being chosen and having accepted of the places and acting in the Assembly, and wilfully absenting themselves, without any just occasion, to the total obstruction of all business, they are guilty of an high misdemeanor in the execution of the trust in them reposed, and contempt of H.M. royal authority; And there being no power expressly lodged by H.M. in the Assembly to punish such offences, they may be proceeded against in H.M. ordinary Courts of Justice there, and punish'd by fine and imprisonment. But whether a prosecution of an Assembly-man in the Courts of Justice of that Island, without any application from the Assembly to H.M. or her Governor there for that purpose, may not tend to H.M. disservice by creating an uneasiness in the present and all future Assemblies, and occasion an unwillingness to serve therein, is most humbly submitted to H.M. *Signed*, Edward Northey, Sim. Harcourt. *Endorsed*, Recd. Read Feb. 7, 170 $\frac{1}{2}$. 2 pp. [C.O. 28. 7. No. 80; and 29, 9. pp. 148-151.]

Feb. 2. **841.** J. Burchett to Mr. Popple. Orders have been sent to
Whitehall. Capt. St. Loe and Lt. Wanley *as desired* Jan. 26. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 5, 170 $\frac{1}{2}$. *Addressed*. 1 p. [C.O. 28. 7. No. 79; and 29, 9. p. 147.]

Feb. 2. **842.** Mr. Popple to Mr. Clifford. *In reply* to Jan. 17 and 26.
Whitehall. *Encloses following* :
842. i. Council of Trade and Plantations to Messrs. Shepperd, Gardner and Oosterland. We pray you either to make a speedy report or return Mr. Clifford's accounts *etc.* [C.O. 389, 36. pp. 238, 239.]

Feb. 2. **843.** Mr. Jenings to the Council of Trade and Plantations.
Prays for some further consideration for his services. *Signed*, E. Jenings. *Endorsed*, Recd. Read Feb. 2, 170 $\frac{1}{2}$. 1 p. [C.O. 5, 1314. No. 37; and 5, 1361. pp. 48, 49.]

Feb. 2. **844.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* extracts from Governor Dudley's letter, July 13, 1704, relating to pirates *etc.*, to be laid before H.M. *etc.* [C.O. 5, 911. p. 448.]

[Feb. 5.] **845.** John Yeamans to the Council of Trade and Plantations. Lt. Gov. of Antigua since Sept. 7, 1702, *prays* for an order from the Lord High Treasurer for his salary in accordance with the Order in Council April 10, 1703. $\frac{3}{4}$ p. *Annexed*,

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845. i. Certificates that Lt. Gov. Yeamans has not taken any manner of gift from the Council or Assembly. *Signed*, Tho. Kerby, Depty. Sec. and Clerk of the Council, Francis Rogers. Feb. 5, 1704. 1 p. *The whole endorsed*, May 30, 1705. [C.O. 152, 6. Nos. 13, 13.i.; and 153, 9. pp. 233-235.]

Feb. 6.
Mountserat.

846. Lt. Governor Johnson to the Council of Trade and Plantations. I am now to answer your Lordships' letter directed to Sir W. Matthews, Nov. 30. He arrived at his Government July 14, and his Commission was published the same evening at Antigua, and dyed Nov. 4. I cannot find any collection of laws in a readiness to be sent your Lordships. The great complaint here is against Secretaries and Marshalls, and it's in every body's mouth, that till these imployes are put on a better foot, it signifies very little whether there are any laws or not. Everyone will be very glad here that your Lordships have represented the pernicious consequence of the trade of St. Thomas, besides other ill effects, these Islands are really in very great danger by the continuall correspondence, which is so easily and certainly carried on by that conveyance, so that indeed nothing we can do can possibly be kept secret for a week. The other friggat your Lordships' promise is very much wanted; these poor Islands have suffered more in their trade than can well be borne or indeed exprest. I most humbly thank your Lordships for that part of the letter which relates to mysele, I shall in that station and in the general Government do my best for the Queen's service, being tyed up by a particular Instruction shall not be much troubled with considering laws, therefore the more strenuously apply myself to the millitary part. I have again made Mr. Brodrick Attorney General upon Mr. Nichols' death, having no other person fit for that post in these Islands, 'twas not without difficulty he could be prevailed with to undertake it, his practice being very considerable, and his fortune by his lady in these Islands yet much more considerable; he is a person extreamly well affected to the Government and extreamly well beloved by the Inhabitants. By every packet I shall write to your Lordships etc. *Signed*, Jon. Johnson. *Endorsed*, Recd. 18, Read 24 April, 1705. 2 pp. [C.O. 152, 6. No. 10; and 153, 9. pp. 122-124; and (extract) 152, 39. No. 99.]

Feb. 7.
Fleet Prison.

847. J. Clifford to the Council of Trade and Plantations. Your letter of Feb. 2 was delivered to Mr. Shepherd etc. But since that time I have neither seen nor heard from any of them. The papers you require of them are in my possession, and I will deliver them to your Messenger, etc. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read Feb. 14, 170 $\frac{1}{2}$. 1 p. [C.O. 388, 75. No. 111; and 389, 36. pp. 240, 241.]

Feb. 7.

848. Petition of severall gentlemen residing in England who have Estates in Barbadoes to the Council of Trade and Plantations. The petitioners are very much concerned for the

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wellfare and prosperity of the said Island, both by interest and inclination, being the place where great part of their estates are, and the native country of severall of them. The reflections by Kirton *etc.* (Jan. 11) upon Governor Sir B. Granville are false and unjust *etc.* Their correspondents inform them that the said Governour hath ever since his entrance upon the administration of that Government behaved himself with all possible diligence, fidelity and care for the honour and service of H.M. and with impartial justice and moderation for the true interest and welfare of her subjects of that Island. Complainants represent a very few unquiet spirits that have but small estates, that will be contented with no Governour, unless they can prevail upon him to pursue their measures, however injurious *etc.* *Signed*, Charles Cox, John Walter, Richd. Bate, Samll. Child, Phill. Scott, John Rollstone, Mel. Holder, John Hill, Wm. Trent, J. Colleton, Robert Davers, Jno. Bromley, Pat. Mein, Rd. Scott, Wm. Cleland, H. Bendyshe, Tho. Foulerton, Rob. Chester, Timothy Salter, Hen. Evans, Paul Carrington, W. Andrews. *Endorsed*, Reed. Read Feb. 8, 170 $\frac{1}{2}$. 2 pp. [*C.O.* 28, 7. No. 81; and 29, 9. pp. 172-176.]

Feb. 7. **849.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose* extracts from letters about Martinique from Governor Sir B. Granville [Sept. 18 and 29], to be laid before H.M. [*C.O.* 29, 9. p. 177.]

Feb. 8. **850.** W. Popple to J. Burchett. *Encloses* similar extracts to Whitehall. be laid before the Lord High Admiral's Council. [*C.O.* 29, 9. p. 178.]

Feb. 8. **851.** Commandeur Beeckman to [? *the Dutch West India Company*]. *Dutch.* 21 pp. [*C.O.* 116, 19. No. 1.]
 Fort Kijkoveral.

Feb. 8. **852.** Mr. Willcocks to [? *the Council of Trade and Plantations*]. *Encloses following*, to explain the non-arrival of Governor Nicholson's answer. *Signed*, Geo. Willcocks. *Endorsed*, Reed. Read Feb. 12, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

852. i. Certificate of R. Smith. Captured by a French privateer off Scilly, I threw packets I had on board from the Governor of Virginia and Maryland overboard. *Signed*, Richd. Smith. $\frac{1}{2}$ p. [*C.O.* 5, 1314. Nos. 38, 38.i.]

[Feb. 8.] **853.** Mr. Cary to the Council of Trade and Plantations. Capt. Larimer and Lieut. Wells, accessories to the pirate Capt. Quelch, have been seen on the Royal Exchange *etc.* *Signed*, Nathl. Cary. *Endorsed*, Reed. Read Feb. 8, 170 $\frac{1}{2}$. $\frac{3}{4}$ p. [*C.O.* 5, 863. No. 129.]

[Feb. 8.] **854.** Evidence of F. Gahtman, ship's surgeon, as to Capt. Larimore and Lieut. Wells being accessories to some of Capt. Quelch's men, pirates. Sent to England as evidence,

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was taken by the French off Scilly. *Prays* for relief and return to New England. *Signed*, Francis Gahtman. 2½ pp. [C.O. 5, 863. No. 130.]

Feb. 8.
Councill
Office.

855. Mr. Povey to Mr. Popple. The business of Connecticut and Rhode Island [Jan. 28] is put off. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 8, 1704½. *Addressed*. ¾ p. [C.O. 5, 1263. No. 9; and 5, 1291. p. 126.]

Feb. 8.
Councill Office.
Evening.

856. Mr. Povey to Mr. Popple. Feb. 12 is appointed for *preceding*. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 9, 1704½. ½ p. [C.O. 5, 1263. No. 10; and 5, 1291. p. 127.]

[Feb. 9.]

857. Mr. Congreve to the Council of Trade and Plantations. Report on the garrisons and forts of New York, July 1704. By the direction of Lord Cornbury. (1) The Fort at New York. The wall is faulty in many places. Many of the guns are remounted. The new magazine for powder is large and secure, but the store-room for the arms is ready to fall, and all sorts of stores wanting. (2) Albany. The old fort is repaired and new palisadoes set round it and round the whole city, and blockhouses repaired. (3) The fort at Schennectady is of noe strength and palisadoes are very rotten. The inhabitants have petitioned for a stronger one. (4) At Half Moon there is a Fort, but no forces posted in it. The forts at Nestigaune, Saractoge and Kinderhook are not in order, but ye inhabitants on the frontier proposed to have them repaired against winter, but it's feared there will not be men raised to man them as has been usual, the Assembly having represented to H.E. (1703) that the country is not able to raise men and money for that and other services; and the Four Companies, were they all full and fit for service (some of ye men being old and have been in ye Province this thirty years without being relieved) together with ye forces ye Country is able to raise added unto them, are too few to man all ye garrisons and secure ye frontier, there being a necessity of keeping guards in war time at five several places within the City of Albany, besides the fort, which with the garrisons of New York and Schennectady alone will take 550 men. The others will require 130 men. If the frontier were thus secured, and this number of regular forces allowed during the war, the French cannot hurt the inhabitants, and would secure the merchants and planters in looking out for Naval Stores, and encourage them to sow hemp and improve the waste lands, now yt. trading is so hazardous, near 30 vessels belonging to New York have been lost, some worth 12, 14 and 20,000/.

In consideration whereof, and yt. that the Province is 10,000/ in debt (contracted during the late peace) and out of credit, and very poor, by reason of ye decay of trade, it is proposed (1) that recruits for the 4 Companies be sent out at spring, there being but 325 effective private centinells in the last muster-rolls of Sept. and Oct., 1704, and that the 17 old and unserviceable men be sent to Chelsea Hospital, and for the future to have 100 recruits

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sent over every two years and ye like number discharged at New York, which would prevent desertion and the charge of following them, which is often extraordinary. (2) That arms *etc.* at least as many as were shipped and taken by the French be sent, and great guns for Albany and the Narrows. (3) That 2 fifth-rate men of war be sent early in spring to guard the harbour and cruise on the coast. The Assembly of New York have given 1,500*l.* towards building the two batteries at the Narrows, but the full estimate is 2,025*l.*, the furnishing of which and the stone fort begun at Albany is of absolute necessity, by reason of the great warlike preparations yt. are and have been making this three years by the French at Canada, who aime at ye destruction of ye frontier of New York the first opportunity. *Prays* for a grant from H.M. *Signed*, C. Congreve. *Endorsed*, Reed. Read Feb. 9, 170 $\frac{3}{4}$. 3 pp. [C.O. 5, 1048. No. 102; and 5, 1120. pp. 261-266.]

Feb. 9. **858.** Sir E. Northey to Mr. Popple. Some members of the late Assembly of Barbados having represented to me that the matter of fact stated in the Report lately made by Mr. Sollicitor and myself hath been misrepresented, that the said Assembly hath power to punish their own Members, and therefore they desire an opportunity to make out the same, I am content that the Report may be reviewed and altered as Justice shall require. *Signed*, Edw. Northey. *Endorsed*, Reed. Read Feb. 9, 170 $\frac{3}{4}$. $\frac{3}{4}$ p. [C.O. 28, 7. No. 82; and 29, 9. p. 179.]

Feb. 9. **859.** Mr. Popple to Mr. Attorney General. *In reply to preceding.* The Council of Trade and Plantations acquaint you that the case of the absenting Members has not been misrepresented by them in their report to H.M. It is no ways their desire that their Report should be returned for your review and alteration. But if it be your intention to have your Report return'd you will please to signify the same. [C.O. 29, 9. p. 180.]

Feb. 9. **860.** Lt. Governor Johnson to the Council of Trade and Plantations. The transcripts ordered to be made by the Secretaries of the respective Islands are so voluminous that it is morally impossible to have them transcribed by three expert clerks within the time limmetted by the Instructions, though the time were to be computed from this day, besides I finde yt. ye Deputy Secretaries in generall through the foure Islands are reather inclinable to quitt their imployes then undertake soe troublesome and expensive a taske, however noe care shall be wanting in me to see that matter performed. Since I have had the honour to command here as Lieutenant Governour, 7 forts have been new raised, 5 whereof are actually finished, 2 neare finished, 2 more a raising, and the 2 old ones repaired and putt in a very good condition, so that this Island is at present in a very good posture and defence and will I hope in a short time be in great measure secure from any attempt of the enemy, but wee are still in want of gunns here, as well as in the rest of the Islands, of the numbers and kinds whereof your Lordships may expect

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a particular account per the next ; the Fort upon Monk's Hill in Antigua, which I hope to have finished in six months, after eight years' labour spent upon it, will take up a large share. I have by the advice of the Councill, both of Antigua and Mountserrat, filled up the vacancies in both the Councils of those Islands, occasioned by the death of severall persons named in the Queen's Instructions, and have therein taken care to swear such persons, whose estates, reputations and capacities are such as will I doubt not justify my choice to your Lordships ; in Antigua, I have sworn Col. Codrington, the late Generall, and Col. George Gambell in the places of Wm. Fry, sr., and James Thynne, both deceased ; in Mountserrat I have sworn William Broderick the Attorney Generall, George Wike the late Chief Justice, and William Geerish, in the places of Wm. Fox, John Scott and James Thynne above mentioned, who are all dead ; and design to proceed to fill up the vacancies in the Council of Nevis and St. Christophers speedily, it being thought necessary to have the Council of each Island full now in time of war, that so a quorum thereof may be neere and easily assembled upon any danger. I hope by ye next conveyance to send your Lordships a regular draught of the fortifications that are finished within the severall Islands under my Government together with an account of the Militia thereof. *Signed*, Jon. Johnson. *Endorsed*, Reed. 18th, Read 24th April, 1705.

3 pp. *Enclosed*,

860. i. Copy of an agreement made with M. de Machault, Intendant of the French Islands in America [Feb. 6, 1705, *N.S.*], concluded at Martinique by Col. Edward Byam, one of H.M. Council of Antigua, deputed by Lt. Gov. Johnson. (1) All French prisoners in the Leeward Islands to be sent direct to Martinique, and not be detained more than 10 days when there shall be 25, and 20 days when less. (2) All English prisoners likewise to be returned to Antigua. (3) If any French prisoners have been sent from Antigua to New England, Col. Byam gives his word of honour to enquire after them, that they may be sent to Martinique. (4) Spaniards to be treated as French and Dutch as English. (5) Mulattoes and negroes that are free to be delivered as other freemen ; their liberty, if required, to be certified by the Chiefs in each Government. (6) Prisoners on both sides to be treated with humanity and furnished with the ordinary allowance of seamen, which is a pound of bisket or the equivalent in cassadar flower, a pound of beef or the equivalent of pork, salt fish or peas(e), all which shall be good. The captains and other officers to be treated with distinction. (7) The English of Barbados, Jamaica and their dependances shall not be comprized in this treaty. (8) The flags of truce sent on either side shall not be stopped upon any pretence whatever, but be dispatched within 10 days. They shall be furnished with sufficient provisions at the charge of those that send them. (9) Yet if any vessel

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designed for Jamaica be taken to windward of Antigua, intending to touch at any of the Leeward Islands, the prisoners shall be esteemed as those of the Leeward Islands. The French taken at New England, who shall be sent to Antigua or any of the Leeward Islands, shall also be sent to Martinique, as prisoners of that Government, *etc.* *Endorsed as preceding. French and English.* 8 pp. [C.O. 152, 6. Nos. 11, 11.i.; and (without enclosure) 153, 9. pp. 125-127; and (enclosure only) 152, 39. No. 100.]

- [Feb. 9.] **861.** Extract of Letter from Lord Cornbury to the Earl of Clarendon. The Colony of Connecticut is now a Charter Government, but they have forfeited their Charter very many times over, which shall be proved whenever the Queen pleases to command it; that Colony is peopled with the spawn of Rebellion, they have made Laws directly repugnant to the Laws of England, by which they dispose of the lives of H.M. subjects and of their estates as they please, and if any man pleads any of the Lawes of England in defence of his right, they laugh at it, they carry on all manner of illegal trade impunedly, they pay noe Customes, nor other duties to the Queen, they are a sanctuary to all soldiers, seamen or servants, who either desert H.M. service, or run away from their masters in the neighbouring Colonies after having robb'd them, and if we send after them, the persons we send are either abused or laughed at, but we can never recover one man from them, let his crimes be never soe great, if any inhabitant of this or any other neighbouring Colony goes into Connecticut to sue for a debt that may be due to him from any inhabitant of that Colony, he shall have noe Justice don him, but on the contrary shall be put to great charges to recover nothing; I could reckon several enormities more, which are dayly committed by that Government, but I think these may be sufficient to satisfy anybody, that unless that Government is reduced under the immediate obedience of the Crowne, the Trade of all the Colonies, more particularly under the Queen's Governors, will be ruined by that Nest of Thieves; besides they are beginning to sett up a Woollen Manufacture, which, if allowed, will soon appear to be a mighty prejudice to the consumption of the Manufacture of England, which I hope England will never allow of. *Endorsed, Presented to the Board by Mr. Congreve. Read.* Read Feb. 9, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 1263. No. 11.]

- Feb. 12. **862.** Order of Queen in Council. The Agents for the Charter
St. James's. Governments of Connecticut and Rhode Island having prayed for time to answer the complaints against them, the Council of Trade and Plantations are to prepare a charge which the said Agents are to answer in six months. The Governors of the Massachusetts Bay and New York are to take and transmit depositions *etc.* [See *Acts of Privy Council*, II. p. 481.] *Signed, John Povey. Endorsed, Read.* Read Feb. 22, 170 $\frac{1}{2}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 1263. No. 12; and 5, 1291. pp. 128-130.]

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[Feb. 13.] **863.** Extract from Daniel Leeds' Almanack for 1701. In Sept., 1699, the Freeholders in West Jersey were computed as—Burlington County, 302; Gloster County, 134; Salem County, 326; Cape May County, 70. *Total*, 832. Whereof Quakers, 266. In all more Christians, 566. The Quakers are more numerous in Burlington County than all the other Countys. *Endorsed*, Presented to the Board by Mr. Dockwra *etc.* Read. Feb. 13, 170 $\frac{1}{2}$. 1 p. [*C.O.* 5, 970. *No.* 23.]

Feb. 13. **864.** Lt. Gov. Evans to the Council of Trade and Plantations. Since my last of Oct. 10, I have received yours of June 29, with Philad^a. in the Prov. of Pennsylvania. H.M. Proclamation for ascertaining the current rates of fforeign coins *etc.*, wch. I have caused to be published with all due solemnity in Philadelphia and the other principall parts of this Government. But I am sorry I have to acquaint your Lordships that thro' the scarcity of money credit in trade running high amongst us, the People found themselves under such inconveniencies upon acct. of fformer debts contracted, that notwithstanding any authority that att present could be used, they resolv'd by general compact to receive all former dues in coine under the same denomination off value that it passed ffor all the time of the contract without regard to the regulation, and for new Bargains they are peticular in their agreement. This and the intire damp to all Business by the extream rigour of the season has hindered the Traders from falling into the practice of it as yett; Besides that they are very desirous to take example from our neighbouring Governmt. New York, whose measures in Traffique, as being much more considerable therein, have generally a great influence over us. I request yr. Lordps., if there be not so speedy a compliance att once as the sacred authority off the command requires, to believe it is owing to no slackness in the Govt. to putt H.M. Orders in execution, butt to the liberty that trading men will allwayes take in their own bargains, as was largely seen in the time of regulating ye coine in England in the late Reign, notwithstanding the Acts of Parliamt. provided for that purpose, and that your Lordps. would be assured of the uttmmost observance of and obedience to all H.M. commands and your orders in, *Signed*, John Evans. *Endorsed*, Read. June 25, Read July 3, 1705. *Holograph.* 2 pp. [*C.O.* 5, 1263. *No.* 23; and 5, 1291. pp. 158-160.]

Feb. 13. **865.** Mr. Clifford to W. Popple, jr. Prays for a copy of the Report of Mr. Shepheard *etc.*, which they promised me to deliver to the Board this week. *Signed*, Jer. Clifford. *Endorsed*, Read. Feb. 14, 170 $\frac{1}{2}$. 1 p. [*C.O.* 388, 75. *No.* 12; and 389, 36. pp. 242, 243.]

Feb. 14. **866.** W. Popple, jr., to Jer. Clifford. The Report will be communicated to you as soon as it shall be received *etc.* [*C.O.* 389, 36. p. 243.]

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Feb. 14.
Whitehall.

867. Sir C. Hedges to the Council of Trade and Plantations. In your late report to H.M. concerning Newfoundland, there being no notice taken of Capt. Lloyd, I desire you will examine the papers that ly now before you, as soon as you shall see cause. *Signed*, C. Hedges. *Endorsed*, Reed. Read Feb. 23, 170 $\frac{1}{2}$. 1 p. [*C.O.* 194, 3. No. 48; and 195, 3. p. 404.]

Feb. 15.
London.

868. John Nanfan to the Council of Trade and Plantations. Having subsisted the four Companies at New York 4 $\frac{1}{2}$ months more than Mr. Champante received their subsistance from the Pay Office, and his bills thereupon protested, the merchants concerned kept him under arrest May 19, 1703—Nov. 6, 1704, when at last they accepted his obligations to make payment in London by March 25 next. The day after he had so adjusted matters with them, he had private notice that Mr. Mathews and others had entered actions against him to a considerable value, to the intent, as he conceives, to make him end his life in prison. He flung himself on board H.M.S. *Jersey* with only the cloaths he had on his back and came to England in a miserable and naked condition. His accounts now stand referred to Mr. Blathwayt and the two Comptrollers of the Army, but, being deprived of his vouchers in the unheard of manner aforesaid, he can only justify his payments by muster-rolls of the Companies, according to which is allowed by the Lord Cornbury's Agents to have issued the subsistance, and by which over 1,700*l.* will appear due to him, to answer which demand for near two years 1,500*l.* has been set aside and is now in the Widdow Thrale's hands. *Prays* that his accounts be stated by the Muster-rolls, and that the 1,500*l.* meanwhile be paid to him, that he may discharge his obligations, he offering to give sufficient security to stand the event of his account. *Signed*, John Nanfan. *Endorsed*, Reed. Read Feb. 15, 170 $\frac{1}{2}$. 2 pp. [*C.O.* 5, 1048. No. 103; and 5, 1120. pp. 267-270.]

Feb. 16.
Whitehall.

869. Mr. Secretary Hedges to the Council of Trade and Plantations. *Encloses following* extract, which you will please to consider and think of proper means to prevent the like ill practices for the future. You will please to lay before H.M. the complaint of Col. Handasyde about the Council etc. of Jamaica. *Signed*, C. Hedges. *Endorsed*, Reed. Read Feb. 22, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

869. i. Extract of letter from Governor Handasyd to Sir C. Hedges relating to English ships trading to Curaçoa etc. [*See C.S.P.*, Dec. 17, 1704.] $\frac{3}{4}$ p. [*C.O.* 137, 7. Nos. 3, 3.i.; and 138, 11. pp. 376, 377.]

Feb. 16.
Whitehall.

870. W. Popple to Wm. Lowndes. *Encloses* extract of letter from Governor Handasyd [*C.S.P.*, Dec. 17, 1704], relating to the *Mermaid's* prize. He will lay my Lord Treasurer's observations upon the Act for settling the publick Revenue before the first Assembly in order to amending it. [*C.O.* 138, 11. p. 372.]

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Feb. 16. **871.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* extracts of Governor Handasyd's letter (Dec. 17, 1704). Propose that H.M. write circular letters to Governors enforcing her good inclinations in reference to Trade with the Spaniards in those parts, and directing them to take good security from the persons to whom they have granted or shall grant Commissions that they shall not break faith with such of the Spaniards as they shall trade with, nor entice them from the land or out of their harbours on pretence of trade in order to make a prey of them, as is complained of, and that copies of such letters be communicated by the Governor of Jamaica to the Spaniards, as they may have the greater confidence in the assurance given them by a mutual trade. [*C.O.* 138, 11. *pp.* 373, 374.]
- Feb. 16. **872.** W. Popple, jr. to the Agents of Jamaica. Summons
Whitehall. them to attend the Board, concerning the Assembly's neglect of H.M. letter relating to the case of the soldiers at Jamaica. [*C.O.* 138, 11. *pp.* 374, 375.]
- Feb. 16. **873.** W. Popple, jr., to the Commissioners for sick and
Whitehall. wounded seamen and exchange of prisoners. The Council of Trade and Plantations pray for a copy of your letter to Governor Handasyd in order to their considering his difficulties relating to the exchange of French prisoners. [*C.O.* 138, 11. *pp.* 375, 376.]
- Feb. 17. **874.** H.M. Instructions to Governor Sir Wm. Mathew.
Same as those of Governor Codrington [*Cal.*, 1699, No. 766], with following variations:—
Councillors of Nevis, Wm. Burt, John Smergin, Azariah Pinney, James Bevon, William Butler, William Ling, James Thynn, Daniell Smith, Richard Abbott, Phineas Andrews, Phillip Broome and Thomas Butler; *of Antego*, John Yeomans, Lt. Gov., Rowland Williams, John Fry, senr., John Hamilton, Edward Byam, James Thynn, Henry Pearn, Wm. Codrington, Charles Mathew, Henry Lyons, Barry Tankard, and Thomas Morris; *for Mountserrat*, Anthony Hodges, jr., Lt. Governor, William Fox, Thomas Lee, William Fry, John Scot, James Thynn, John Dawly, Joseph Little, Wm. Beddingfield, George Milward, George Lydell, and Charles Mathew; *for St. Kitts*, Walter Hamilton, Lt. Governor, John Mac-Arthur, Michl. Lambert, Henry Burrell, Samuel Crook, John Garnet, Stephen Pain, John Davis, Charles Mathew, James Thynn, Joseph Crisp, and John Pogson.
The stile of enacting Laws is to be by Governor, Council and Assembly.—Different matters are to be provided for as much as possible by different Acts, and no clauses to be inserted or annexed to any Act foreign to what the title of it imports.—He is to make a complete collection of the Laws in force.—Neither the Governor nor any Lieut.-Governor is to receive any present from the Assemblies [*see Cal.*, 1703], except a house or rent, provided the assignment thereof be made at the first session of Assembly after the Governor's arrival. 1,200*l.* out of the 4½ *p.c.* is assigned

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for the Governor's salary, and 200*l.* each for the Lieut.-Governors. He is to endeavour to induce the Assemblies, thus exempted from this customary burden, to contribute in more ample and effectual manner to their own safety and preservation. This to be entered in the Registers of the Councils and Assemblies.—No clause to be inserted in any Law for levying money whereby the same shall not be made liable to be accounted for unto us here in England.—Goods of pirates are to be seized, and, if perishable, publicly sold, and pirates tried according to the Commission granted for that purpose: accessories to be sent to England.—He has power to suspend Captains of men of war for neglect of duty and to commit them to custody, the next superior officer to succeed in command. Privateers are to wear a Jack with a white scutcheon in the middle. The Governor is to grant commissions to privateers according to the Commissions and Instructions given in England. A survey is to be made of the fortifications, and an account thereof sent home yearly; a survey of harbours and landing places to be made and such fortifications as necessary erected at the public charge. The duty of 4½ p.c. to be applied to repairing and maintaining the fortifications, and the Assembly to be moved to contribute towards their defence. Prizes are to be taken care of and accounted for and arrears recovered. Appeals to H.M. in Council to be allowed in cases of fines imposed for misdemeanors, if the value be 200*l.*, the Appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence be confirmed. The Governor is to get a law passed to make bankrupts' estates liable to answer debts contracted in England. All writs are to be issued in the Queen's name. The Governor is empowered to do anything for the immediate advantage and security of the Islands, with the consent of the Council, giving speedy notice thereof for H.M. approval. He is not to grant Commissions of mark or reprisals against any Prince or State in amity with H.M. without H.M. especial command. [*C.O.* 153, 8. pp. 364–437.]

Feb. 19. **875.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. I have pursued the directions given me in your letter of June 29 relating to correspondence *etc.* Signed, Cornbury. Endorsed, Reed. 25th, Read 28th June, 1705. *Holograph.* 1 p. [*C.O.* 5, 1048. No. 104; and 5, 1120. pp. 313, 314.]

Feb. 19. **876.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. Your Lordships' letter of June 29 is come to my hands, *etc.* I have caused H.M. Proclamation [relating to *foreign currency*] to be published in this Province, and have sent orders to Col. Ingoldsby (who is now at Burlington) to take care to have it published throughout that Province, *etc.* It was on Monday, Feb. 5, that it was published in this city, which is the day the Boston post sets out from hence, as soon as the Proclamation was published, severall persons here (pursuant to the directions sent to them from Boston) sent away as much money by the

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post as he could carry, and for 4 or 5 days all manner of trade was stopped, there was noe market nor one could buy nothing with ready money, 2 or 3 days after this a petition was presented to me, signed by most of the considerable merchants in this place, setting forth the many inconveniencies that would attend the putting that Proclamation strictly in practice, even to the infallible ruin of this Province, occasioned chiefly by the neighbouring Collonys' disobedience to H.M. commands. I send you a copy of the Petition, by which you will see how the Spanish coin has gone, not only in this Province, but in the neighbouring Collonys, particularly that of Pensilvania, which by raising the value of pieces of eight of 17*dwt.* to 7*s.* 6*d.*, and the lighter money in proportion, have considerably drained this Province of it's money, as New England has done on the other side by clipping, which they don't scruple doing openly, as appear'd very lately by the Purser of H.M.S. *Jersey*, one Franklyn, who was going to pay a summ of money for severall things he had had for the use of the ship, during the time she was there careening, and an acquaintance of his of that place seing him tell out a parcell of broad heavy peices of eight, asked him what he was to doe with that money; the Purser told him he was going to pay it away, upon which his friend told him if he would let him have it for a few hours, he would bring it to him with advantage, the Purser let him have it, and he did bring him back his number of peices of eight, and to the value of 53*oz.* of silver more, and this out of 60*l.* currant money of New York. There is another instance of one Mr. Scott, a merchant of this City, being last summer at Rhode Island, out of 1,000 peices of eight of 17*dwt.* got 73*oz.* of silver and the peices of eight were paid by him at the rate of 17*dwt.* still, and he says that if he would have suffered them to be clipp'd to 15*dwt.* he might have got above 250*oz.* of silver, these practices of our neighbours have done a great deal of harm to this Province, both in respect to their trade to the West Indies, and with the other part of the Continent, but now they think they have it in their power to destroy this Province effectually, because they are resolved not to obey the Queen's commands contained in her Proclamation; this I was lately informed of by some persons come from Boston, and perticularly by Mr. Adolph Philips, who was present at the publication of H.M. Proclamation at Boston, who asking some of the merchants there what effect that would have upon their trade, was answered that they had published the Queen's Proclamation in obedience to H.M. commands, but that the money would goe as it did before, this we find to be true by every day's experience; the allegations in the Petition and severall things of this nature having been related to me and proved beyond contradiction, prevailed with me to communicate the aforementioned Petition to H.M. Council for this Province, and to desire them to consider the contents of it very seriously, and to let me know their thoughts of it, which they did, and made a report (*enclosed*), by which you will find that some of our neighbours instead of obeying H.M. Proclamation, have

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advanced the value of their coin, by taking peices of eight of 13*dwt.* for 6*s.*, which never went here for more than 5*s.* 3*d.* New York money, this is now daily practised in New England, in order to get all our money from us, and they conclude their report by saying that if the Proclamation be put in execution according to the letter thereof, it will be the utter ruin of this Province, as likewise to inform myself of the truth of severall things, which had been told me by severall persons, touching the practices of the New England people upon the matter of money, and I find by undeniable proof that since H.M. Proclamation has been published here, severall merchants at Boston have wrote to their Correspondents here to send all the money they can, whether it be heavy or not, and they will not only take it at the same rates it went at before the Proclamation, but will likewise allow 10 per cent. for as much as they can send, this is so true that very lately a young man of this town being at Boston to buy some goods to the vallue of 500*l.*, paid that summ in single ryals, at 8 ryals for 6*s.*, which is the rate they used to pass at here, and had allowance of 9 per cent. besides, and he says that if he could have stayed two or three days longer, he might have had 10 per cent. ; this can be intended for nothing but to ruin this place, for before this Proclamation the money at Boston was 12½ better than the money at New York, soe that if we bought 100*l.* worth of goods at Boston, we must have paid 112*l.* 10*s.* New York money. Whereas now by their taking peices of eight of 13*dwt.* for 6*s.*, they have raised the coin higher than ever it was before, the consequence whereof will be that our merchants here will send their money to Boston for European goods, which will in a short time destroy the trade of this Province to England, and make us depend intirely upon Boston for all such commoditys as we now fetch in our own ships from England, to the manifest ruin of our Navigation, this the people of this Collony think very hard, especially since the people of New England are like to reap this advantage by their disobedience to the Queen's commands. Having seriously considered these things and H.M. Proclamation [*quoted*] and it being very evident that H.M. good intentions to all her subjects in America will be frustrated by the disobedience of her subjects of New England and Rhode Island, and it being very plain that this Province will be ruined beyond recovery if H.M. Proclamation is put in execution, according to the letter of it, I have consented to the request of H.M. Councill, which is, to direct the Collector to receive money upon all the branches of the Revenue at the rates it formerly went, till this matter might be lay'd before the Queen, and her farther pleasure be known thereon. It is not through any manner of disobedience to H.M. commands (which we shall upon all occasions be ready to obey) that we have not immediately complyd with her Proclamation, but only to save this Province from utter ruin, which would most certainly have hapned, before I could have received her commands upon this representation ; and I do further intreat your Lordships to assure H.M. that if notwithstanding what I have now offered to you, it is her royal

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pleasure that the directions in the Proclamation should be complied with, her commands shall be punctually obeyed; I hope your Lordships will not look upon my behaviour in this matter as proceeding from any design of disobeying the Queen, I can boldly say I never had nor shall have any such design, but I considered that delaying the putting that Proclamation in execution, till H.M. might be informed of the consequences that would have attended it, could be no prejudice to H.M. service, nor injury to any of her subjects, whereas on the other hand the ruin of this Province was unavoidable. *Signed, Cornbury. Endorsed, Recd. 25th, Read June 27th, 1705. Holograph. 5 pp. Enclosed,*

876. i. Merchants of New York to Governor Lord Cornbury. *Described in preceding letter. 67 signatures. Set out, New York Documents, Vol. IV., pp. 1133-1135. Endorsed as preceding. 3 pp.*

876. ii. Copy of Report of the Council of New York to Governor Lord Cornbury. New York, Feb. 8, 1704. *Described in preceding letter. Endorsed as preceding. 1½ pp. [C.O. 5, 1048. Nos. 105, 105. i., ii.; and (without enclosures) 5, 1120. pp. 298-309.]*

Feb. 19.
Admiralty
Office.

877. J. Burchett to Mr. Popple. Capt. St. Loe and Lt. Wanley are ordered to attend the Council of Trade and Plantations. If any part of the complaint may be fit to enquire into at a Court Martial, I desire you to transmit the same to me. *Signed, J. Burchett. Endorsed, Recd. Read Feb. 20, 170½. ¾ p. [C.O. 28, 7. No. 83; and 29, 9. p. 186.]*

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878. Governor Lord Cornbury to the Council of Trade and Plantations. Your Lordships' letter of May 23, 1704, came to my hands on Dec. 15 at Amboy, in which you are pleased to say, you daily expect the particular account of the affairs of New Jersey, which I promised to your Lordships by my letter of Dec. 18, 1703, by which I perceive my letter of Jan. 14, 1704, is not come to your hands; I returned from New Jersey to this city on Dec. 14, 1703, and hearing the *Centurion* was not sailed from Boston, and the post being just ready to go away, I stopt him long enough to write to your Lordships that letter of Dec. 18, 1703; about a fortnight after that, hearing that the *Centurion* had had a mischance, going out from Boston, and was forc'd to return into Port again, I wrote the letter of Jan. 14, 1704, and sent it to Boston, in hopes it would come time enough to reach the *Centurion*, and after that I sent a duplicate of it to Rhode Island, which was put on board a vessel going for England, by a Minister who had promised me to take care to send it by the first vessel that should sail from Rhode Island, or Boston, and which he wrote me word he had done; however those ways being very uncertain, I did send another duplicate of that letter to your Lordships by H.M.S. *Jersey*, which I hope, is come to your hands before this time, by which you will see what was done at Amboy in the first session of the

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Assembly of that Province ; and in another letter, by the *Jersey*, Nov. 4, I did acquaint you with what had passed at the next meeting of the Assembly of New Jersey at Burlington, which was in Sep., and on the 28th of that month, I did dissolve that Assembly to sit on Nov. 9, at which time they met, and passed the several Acts following, viz. : (1) *An Act for raising a Revenue for the support of H.M. Government within this Province of New Jersey for two years* ; (2) *An Act for uniting and quieting the minds of all H.M. subjects within this Province* ; (3) *An Act for altering the present Constitution, and regulating the election of Representatives to serve in the General Assembly* ; (4) *An Act for settling the Militia of this Province* ; (5) *An Act for laying out, regulating, clearing and preserving publick common highways* ; (6) *An Act for the suppressing of immorality* ; (7) *An Act for reviving and continuing the Courts of Quarter-Sessions and Common Pleas in the Counties of Bergen, Middlesex and Monmouth* ; (8) *An Act for regulating Negro, Indian and Molatto slaves*. The first is what the last Assembly would never have pass'd, unlesse I would have pass'd their Proprietor Bill. When I first saw this last Bill, I sent for one of the Assembly, whom I thought I could more freely talk with than the rest, and asked him what was the reason they had given the Revenue for soe short a time, he answered me very readily, that it was for noe other reason, but because they had never had a general tax throughout the whole Province, and that they could make no manner of computation what the country was able to bear ; that this would be a tryal of that, and that if I would be satisfied with this Bill for the present, when they saw what the country would be able to bear, they would be ready to settle such a Revenue as would effectually answer the occasions of the Government ; this being soe frankly told me, and considering how stubborn the last Assembly had been upon this point, and being everyday informed that the Quakers bragged, that there should be noe Revenue settled, that the Queen had sent them a Governor, but they would keep him poor enough ; these and such like reports were spread about, not by the meanest men among them, but by the topping leading Quakers ; therefore I thought it proper to let that Bill passe, and intreat your Lordships to recommend it to H.M. for her royal approbation. The second Act I thought a very reasonable Bill, because it will put an effectual end to many prosecutions which were intended to have been carry'd on in New Jersey, against some persons who opposed Col. Hamilton's Government ; and H.M. having commanded me not to suffer any proceedings to be carry'd on against any persons upon account of former animosities, I thought this would be the most effectual way to answer H.M. commands, espetically since Mr. Morris, to whom the Queen had done the honour to make him one of her Councill, was very warm for those prosecutions, as appear'd the last year, that he prevail'd with Mr. Griffith, the Attorney-General of New Jersey, to preferr a Bill of Indictment against some of the people of Elizabeth Town, for a riot said to have been committed during the time of the Government of Col. Hamilton ; this the Attorney-General was

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prevailed with to do without my knowledge, but a complaint being brought to me of that matter, I directed the Attorney-General to enter a *Noli prosequi*, which he did accordingly ; it is an Act which will make the people easy, therefore I hope the Queen will confirm it. (3) is an Act to alter the manner of electing members of Assembly ; in the 15th clause of my Instructions, H.M. makes use of these words [*and that this number of Representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by an Act or Acts of the General Assembly there, and confirmed by the approbation of us, our heirs and successors*] by which I suppose, the Queen was graciously pleas'd to leave it to the consideration of those, whom she has appointed to serve H.M. in that Province, to propose a method of election, which may be more advantageous to the Queen's service, and the good of the Country than the regulation contain'd in H.M. Instructions to me ; and indeed I am of opinion that this Act will answer that end, for the number is not altered, which was appointed by the Queen, but only the qualification and the method of electing, by which means we shall be able to have the men of the best substance chosen ; for as I have informed your Lordships by a former letter, the landed men are not the men of the greatest substance in these parts of the world ; I intreat you will intercede with the Queen that this Act may be confirmed. (4) is so necessary an Act, that I hope it carries reason enough in itself to obtain H.M. confirmation. (5) is an Act of absolute necessity ; and indeed, without an Act of this kind, the roads in New Jersey would in a short time be unpassable, so I hope that Act will be confirmed. (6) I wish it may answer the intent, if it does, it will be the best Act that ever was passed ; I hope it needs no farther recommendation to get it confirm'd, than the good which is intended by it, and certainly there is great need of it. The reason for passing (7) was that those Courts hapned to fall out at the time that the Assembly was sitting at Burlington, and the Judges of those Courts are Members of H.M. Council, and could not attend the Courts at that time ; soe that all Causes depending would have abated to the prejudice of the partys concerned, had not such an Act been passed, therefore I hope H.M. will be pleased to confirm it. (8) Considering the situation of the Province of New Jersey, that Act is absolutely necessary ; and indeed without it, it will be impossible to keep slaves in any order, for if a slave is punished for any fault, he will run away, and there are people enough who will hide them, to have the benefit of their labours in the mean time, to the great loss of the owners, and I hope this will be a means to prevent both that, and their thieving, to which they are all very much addicted ; and it will be a great help to the owners of those slaves, who now very often loose the labours of their slaves for a month together, and sometimes longer ; therefore I intreat your Lordships to intercede with H.M., that this Act may be confirmed. Thus I have given your Lordships an account of all the Acts of Assembly passed in the General Assembly of New Jersey in the first Session of the new Assembly ; they were of course to have

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held their next Sessions at Amboy, but we find by experience that holding the winter-sessions at Burlington, and the Spring-sessions at Amboy, is very inconvenient ; so at the request of several persons, both of the Council and Assembly, I have adjourn'd the Assembly to meet the next time at Burlington, which may be April 27 next ; then the next time they will meet at Amboy, and so alternately ; unless you are pleased to direct otherwise. Mr. Lewis Morris has behaved himself very ill, as I think ; for ever since he came hither from England, he has endeavour'd to persuade the Proprietors in Jersey, and those people who are in their interests, that the Government was surrendered to the Queen upon certain terms and conditions agreed upon, before the Proprietors would surrender ; being informed of this, I sent for Mr. Morris, and ask'd him how he came to raise that report, which he must know not to be true, for that if any such thing had been done, I should certainly have been informed by your Lordships, and by the Earl of Nottingham, what those terms and conditions were, that I might conform myself to them, and that since I had noe such directions, there could be noe such thing ; to which he replied, that it was true, that the Government was surrendered upon terms ; and that if they could not have obtain'd those terms, they would not have surrendered at all ; I desired him to shew me those terms, he told me, they were contain'd in my Instructions, and instanced particularly the 15th clause, in which the qualifications of persons to elect, and be elected, are contain'd, and said, that was one of the terms ; and said that the 53d clause where I am directed to admit Quakers into offices or employments, signing the Declaration of their Allegiance etc. was another of the termes, to which I answer'd that he might as well say that the 37th clause, where I am commanded not to suffer any persons besides the General Proprietors or their Agents, to purchase any land from the Indians, was one of those Terms too ; upon which he said that they had noe need of such a clause, and that the Queen was mistaken in that clause, for that the Proprietors had no need of any licence from the Queen to purchase from the Indians, for the land was their own already, by virtue of the grant from H.R.H. the Duke of York, to my Lord Berkley and Sir George Carteret, whose right they have purchased ; I told him the Queen was best judge of what clauses were proper to be inserted in the Instructions she was pleased to honour me with, and that as I found them, I would obey them, and I told him, it did not become him to speak at that rate of the Queen ; and indeed that gentleman does give his tongue too great a liberty ; however for that time we parted, and I did not see him in some months, for going to Amboy in my way to Burlington, to meet the Assembly there, I appointed Mr. Morris and Captn. Bowne to meet me at Amboy on Aug. 30, upon the account of some disturbance that was like to be occasioned, by a rape committed by an Indian upon a white woman, and some of the Justices had imprisoned the Indian. Captn. Bowne met me according to appointment, but Mr. Morris chose that very day to goe from

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his house in New Jersey to New York, without soe much as writing one line of excuse, or taking any manner of notice ; I pursued my journey to Burlington, but Mr. Morris neither came nor wrote, soe on the last day that the Councill sat, I did suspend Mr. Morris from his place in Councill, and ordered the Clerk to enter a minute in his book, of his suspension, and the reason of it, which was, for neglecting H.M. service, without having obtained leave to be absent ; when I was at New York, one Dr. Ennis, a minister of the Church of England, who is settled in Mr. Morris's neighbourhood in New Jersey, came to me and told me that Mr. Morris was very sorry that he had committed soe great a fault, and desired that he might have leave to come to me, and acknowledge it, I told him, he might come when he pleased, and the next day Mr. Morris and he came to me and owned his fault, and said that if I would restore him to his place, he would by his constant application to the Queen's service, convince me that it was not out of any disrespect, that he had neglected his duty before ; I told him, I did not desire to be severe, or uneasy to any Gentleman, but that it was my duty to take care the persons who had the honour to serve the Queen in that Province, should doe their duty ; espetially at a time when severall things were to be done, necessary for the settling the Country, soe we parted, and I did not hear from him any more till a few days before I went to New Jersey to meet the new Assembly, when I received a letter from him, from a farme he has in West-Chester County, in this Province of New York, by which he acquainted me, that having lately taken that farme into his hands, he was very busy putting his affairs in order there, and that it would be a great prejudice to him, if he should be forced to attend his duty at Burlington, and therefore desired I would dispence with his attendance for ten days, to which I answered, that ten days could break noe squares, because it would be near ten days before we should enter upon businesse, therefore I would not differ with him for that, and I went to Burlington at the time appointed, but Mr. Morris did not come, till after three weeks, before which the House of Representatives had passed the Bill for the Revenue, and it had had one reading in the Councill, however I would not differ with him for a few days, in hopes he would be as good as his word ; but instead of that, after the Bill had been read twice, and was committed to a Committee of the Councill, Mr. Morris did what he could to make that Act miscarry, by offering such amendments to it, as he knew the House of Representatives would never agree to, notwithstanding I had desired him perticularly, to give what dispatch he could to that Act, because of the season of the year, which was soe farr advanced, that we were in great danger of being frozen up ; Capt. Bowne and some others of H.M. Council having told me of Mr. Morris's obstinaey, and he coming immediately into my lodgings, I asked why he would give any interruption to that Act, which he knew to be soe necessary and which he had soe faithfully promised me to forward, to the utmost of his power ; he told me, he had very good reasons for what he did, that he had calculated what the

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occasions of the Government would require, and that 2,000*l.* would not suffice, I told him, that I looked upon that to be only a pretence to lose the Bill, and desired him not to insist upon anything of that nature, but that he would meet at the Committee the next morning, pursuant to their adjournment, and dispatch the Bill, but instead of that, the next day he went to Philadelphia without taking any notice of me, or asking leave, though he was going out of the Province, however I was not willing to take advantage of that, hoping he might come to his sences again, and therefore I did stay to the last day that the Council sate, but he never thought fit to attend his duty in Council, though he was returned from Philadelphia four or five days before I left Burlington, but when he was asked how he came not to come to me, he answered he valued not the Governor of a farthing, soe when I was going to dismis the Council, I did again suspend Mr. Morris from his place in the Council, till H.M. pleasure might be known, and I hope the Queen will be pleased to confirm that suspension, and that he may be dismissed from being a Member of that Board, and a better man put in his stead, for I am well satisfied, he will always obstruct the Queen's service, and indeed he has soe entirely given himself up to the interest of the Proprietors, that he can see with noe other eyes but theirs, and I cannot say that they have always pursued the interest of the Crowne; Mr. Morris is one of those who have endeavoured to possesse the people here, that they have a right to have Generall Assemblys, and that the Assemblys in these Colonys have the same priviledges, powers and authoritys as the House of Commons in England, he must not deny this, for he said it to me severall times, and said that the people here were Englishmen, and were entituled to all the priviledges of Englishmen, and that if the Queen would not allow them to send Members to represent these Collonys in the House of Commons in England, it was highly reasonable they should have Assemblys of their own, and that they were to be governed by laws of their making; indeed I have as often answered him, that he was mistaken, that the Assemblys which have been held here are purely by the favour of the Crowne, that I look upon their power of making Laws, as intended to be noe more than what every Corporation in England has, that is, to make by-laws for the well-governing of that Corporation; this offended Mr. Morris very much, and indeed if it were his opinion alone, I should not regard it, but it is the opinion of many people in the Provinces of New-York and New-Jersey, espetially to the East-end of Long Island, where they are generally Commonwealths men, this opinion can tend to nothing, but the diminishing the authority of the Queen in these parts, which I hope will not be suffered; this Gentleman has not been contented with spreading this doctrine as much as he can in New-Jersey, but endeavours to incourage it in this Province, where it has already taken root, he is now soliciting to get himself chosen for the County of West-Chester for an Assembly, which I intend to call in a few days, I hope he will not succeed, because I am well satisfied his intention is not good.

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I did formerly recommend to your Lordships Col. Townley and Mr. Daniell Cox, to be of H.M. Council of New-Jersey, in the room of Edwd. Hunlock, and Samuel Leonard, who were dead before I received the honour of H.M. Commission for that Government ; since that time, one Mr. Samuel Walker, who was also one of the Council, is dead, soe that now there are three vacaneyes, which I humbly intreat your Lordships may be filled by Col. Richard Townley, Mr. Daniell Coxe, and Mr. Roger Mompesson, whom I have appointed to be Chief-Justice of New-Jersey, till the Queen's pleasure may be known ; and I desire you will recommend him to the Queen to be confirmed in that place, he is very proper for it, and has brought the Supream Court in New York into very good order, and I don't question but he will doe the same in New-Jersey. I farther intreat your Lordships that I may have a Statute-book sent me for this Province of New-York, and another for New-Jersey, to remain with the Clerk of the Council of each Province ; there is indeed a great necessity of this, because there are often Pleadings before the Council, where the lawyers take the liberty of quoting Acts of Parliament of England falsely, which they think they may the more freely doe, because they know, there is noe Statute book belonging to the Government. I desire, you will intercede with H.M., that I may have a Great-Seale for the Province of New-Jersey, I am at a mighty losse for want of one, there have been two barbarous murders committed lately, one by a woman who joined with a man to murder her husband ; the other of another woman, who mured her own child ; the Country was very desirous to have these two people tryed as soon as possible, because there are noe goals sufficient to keep criminalls in, and indeed, I would have issued a special Commission for the tryall of them, but for want of a Seale I could not ; I must likewise beg your Lordships' directions in some matters relating to the Government, and particularly with respect to fines, forfeitures and escheats, which some of the Proprietors on the place pretend to say the Queen has nothing to doe withall, but that they belong to the Proprietors ; however, till I receive your commands in that matter, I have taken care where anything of that nature has hapned, to have them secured for the Queen ; there is likewise a thing called horse-hunting, the woods are full of wild horses ; in the Province of New-York, the Governor of New-York appoints a Ranger General, who deutes persons under him for every County, to take care of all such horses as are taken up wild in the woods ; and I have appointed one in New-Jersey ; but the Proprietors here, say it is their right ; soe I would not let the person I had named proceed, till I had received your Lordships' directions, which I intreat, I may have. In September last I went downe the river Delaware as low as Salem, which is the lowest County but one, on the Jersey side, towards the Capes of Delaware River, and is 73 miles below Burlington, there is a pretty little towne built there called Salem, which is capable of being made a good place for trade, there being a creek there, in which there is noe lesse than 15ft. water at low water, soe

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capable of receiving good ships ; I did intend to have gone downe as far as the Capes, but the North-West winds began to set in, and I being but in a small boat, thought it not proper to venture for fear of being blown out to sea, which often happens at that time of the year, but I intend (God willing) to goe downe this spring, because I am willing to give the Queen the best account I can, of all the parts of those Governments she has been pleased to honour me with the Government of. *Signed*, Cornbury. *P.S.* I had almost forgot to observe to your Lordships some of the inconveniencys that may attend the 37th clause of my Instructions, in which I am directed not to suffer any persons besides the Generall Proprietors or their Agents to purchase land from the Indians ; now I conceive that this will be a means to hinder the country from being cleared and peopled soe soon as it would otherwise be, for the Proprietors will not sell any land but at certain rates, which they who live in the Province have agreed among themselves shall be the price, and under such quit-rents as they think fit, soe that several people who would settle in New Jersey goe over into Pensilvania and settle there ; I am of opinion that if a certain quit-rent were fixed, to be paid to the Proprietors for every 100 acres, and soe for a greater or lesser quantity, and that the Governor for the time being may be at liberty to grant licences to any person who has a mind to purchase from the Indians, it can be noe prejudice to the Proprietors but will be a means to people the country much sooner. *Endorsed*, Recd. 25th June. Read July 5, 1705. *Holograph*. 10½ pp. [*C.O.* 5, 970. No. 24 ; and 5, 994.A. pp. 204-226.]

Feb. 20. **879.** Council of Trade and Plantations to the Queen. We humbly lay before your Majesty a report from Mr. Attorney and Solicitor General relating to the absenting Members of the Assembly of Barbados. [*C.O.* 29, 9. p. 185.]
Whitehall.

[Feb. 20.] **880.** Mr. Congreve to the Council of Trade and Plantations. *Gives* lists of presents sent to the Indians 1700, of stores of war sent to New York last summer and captured by the French, and of same now required. *Signed*, C. Congreve. *Endorsed*, Recd. Read Feb. 20, 1705. 3 pp. [*C.O.* 5, 1048. No. 106.]

Feb. 21. **881.** Mr. Secretary Hedges to the Council of Trade and Plantations. *Encloses* following for their opinion, "except what relates to the impressing of men, for which there is a standing rule." *Signed*, C. Hedges. *Endorsed*, Recd. 22nd, Read Feb. 23rd. 1705. 1 p. *Enclosed*,
Cockpitt.

881. i. Sir Richard Levett and Wm. Lone, owners of the *Dolphin* and *Mermaid*, to the Queen. These ships, letters of marque and carrying slaves for the Plantations, were detained in Virginia. [See March 2.] *Pray* that they may not be detained in any port, or their crews impressed. *Endorsed*, Read Feb. 18, 1704-(5). 1 p. [*C.O.* 5, 1314. Nos. 39, 39.i. ; and 5, 1361. pp. 50-53.]

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 Feb. 21. **882.** Jer. Clifford to the Council of Trade and Plantations. I have made my applications to Messrs. Shephard etc. without effect. *Prays* for the despatch of his business. *Signed*, Jer. Clifford. *Endorsed*, Reed. Read Feb. 22, 170⁴/₅. 1 p. [*C.O.* 388, 75. No. 113; and 389, 36. pp. 244, 245.]
- Feb. 22. **883.** W. Popple to Mr. Clifford. *In reply to preceding.* Desiring him to procure from Messrs. Shepherd etc. his account current sent them May 23, 1704. [*C.O.* 389, 36. pp. 245, 246.]
- Feb. 22. **884.** Mr. Byfield to [*? Mr. Secretary Hedges*]. Last year I was appointed by H.R.H. Judge of the Court of Admiralty. A small prize brought in by H.M.S. *Advice* was condemned by my Deputy, Mr. Newton, and for the whole fees of all the officers of the Court I demanded 5 p.c. which is much less than is taken at other places. My Commission warrants me to take such fees as are accustomed, but have never taken more than *as above*. Yet John Colman, Agent for H.R.H. and one of the Commissioners for Prizes, will not pay ye same, but threatens to complain of me to your Honour. He bought the captor's share of the prize before any condemnation, which I think is very improper etc., and for that he is to pay one half of my demands out of his own pocket, he will not pay the same. We have but little business in the Court of Admiralty etc. *Signed*, Natha. Byfield. *Endorsed*, Dec. [*?*] 3. 1 p. [*C.O.* 5, 751. No. 63.]
- Feb. 22. **885.** Capt. St. Loe to the Council of Trade and Plantations. On Sept. 16 I ordered Lt. Wanley to apply to Alexander Skeene, Secretary of Barbados, for a man he desired me to press, he being an idle, disorderly person and one of no settled habitation, but with good management would make a Captain's clerk or ship's steward. Lee being at supper, Skeene came without any application, and offered to shew him where Lee was, he being then in a riot. Skeene said he had nothing to say for him. As for any combination between Mr. Arthur Slingsby, myself and Lieut., it's altogether false and scandalous, but tis certain Mr. Slingsby was at Mr. Skeene's when 'twas moved to me, and gave Lee much the same character as the other had done. *Signed*, E. St. Loe. *Endorsed*, Reed. Read Feb. 23, 1705. 1¹/₂ pp. [*C.O.* 28, 7. No. 84; and 29, 9. pp. 187, 188.]
- Feb. 22. **886.** Mr. Secretary Hedges to Governor Sir Bevill Granville. Whitehall. A contract being made by H.M. Postmaster-General here for the carrying on a constant and monthly correspondence, by packet-boats, between England and H.M. Plantation Islands in America, and Deputys being appointed by the Postmaster Generall for the more carefully distributing the letters which go from hence to the said Islands and for the more regular collecting the letters for England, it is H.M. pleasure that you give the person deputed for your Island all the encouragement and protection that may be necessary etc. A similar Letter was written to Governor Sir Wm. Mathew, Governor Handasyde, and Capt. Bennet. [*C.O.* 324, 30. p. 24.]

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Feb. 22.
Whitehall.

387. Mr. Secretary Hedges to Governor Sir W. Mathew. Acknowledges letter of Nov. 25. H.M. approves of the method that is used here in the exchange of prisoners, which you are to proceed in, and to send a list of all of them to the Commissioners for Exchange of Prisoners here *etc.* Directions are given to the Commander of the Pacquet Boat as you desire to remain 48 hours at the Island where you shall happen to be at the time of its arrivall, or longer if need be. I have received two Acts of St. Christophers and two of Antegoa, which shall be laid before H.M. for her royal assent. I shall endeavour to gett you directions concerning the shares of prizes *etc. as desired.* I thank you for your concern for Mr. Larton's widdow, and shall send you a copy of his patent by the next conveyance. You may be sure I shall make the best use that I can of the state of what is necessary for a supply of men and artillery for the defence of the Islands, when it comes to my hands. The Lieut. Governor of Antegoa being a person unfit for that employment, I desire you will lett us know who in your opinion is a man capable of doing H.M. good service there. I think the Collection of the Laws you say is preparing to be transmitted hither, when it is considered here, will put an end to the doubts you are under at present, what Laws are in force and what not. The inconvenience you find from the Act of the Militia in relation to the parade and rendezvous seems not otherwise to be remedyed than by another Act. That part of your letter which relates to fines *etc.* I intend to lay before my Lord Treasurer, and hope by the next pacquet you may receive directions in that matter. [C.O. 324, 30. pp. 22-24.]

Feb. 22.
Whitehall.

388. Mr. Secretary Hedges to Governor Sir B. Granville. H.M. approves of your proposall for a General Exchange [*of prisoners*] for Barbadoes, and recommends it to your care to manage it for the best advantage to her service, which she concludes may be done without any charge of subsisting the prisoners or transports, since you say it has hitherto been paid out of the publick levies, and H.M. is also satisfied that the unlawfull commerce, which you say you have reason to fear will be carried on, may be better prevented by yourself than any other. If you have not already received any orders about the prisoners condemned at the Court Martiall, you are to exchange them with others. If the French will not agree upon this Generall Exchange, you may make the exchanges of man for man, and quality for quality, giving an account to the Commissioners for Exchange of Prisoners of all you do in that matter from time to time, and in case you shall have any supernumeraries, they are to be sent home, giving an account to the said Commissioners, or if you judge it better you may make your agreement to have as many delivered to Col. Mathews, if upon advising with him you shall find that he wants prisoners to redeem any of H.M. subjects belonging to the Leeward Islands, and this you may do. H.M. is pleased to consent that the Sieurs Torailles [Sept. 29, 1704] be exchanged for Col. Michaell Lambert, Capt. Andrew Chouvet and Mr. James Raleigh, inhabitants of St. Christophers, who

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were taken going from that Island to Antegoa, on board a Danish ship and are detained at Martinique, by way of reprisal. [C.O. 324, 30. pp. 21, 22.]

Feb. 22.
Whitehall.

889. Council of Trade and Plantations to the Queen. *Quote* Lord Cornbury's statement of the want of arms, powder and bedding for New York; his request for a man of war to protect the trade with the Southern Plantations, and a present for the Five Nations of Indians. Stores, provided out of the Company's pay, sent out last summer were taken by the French. *Propose* that they be made good, and 50 barrels of powder sent, to be paid for by the Assembly. And that a present of 300*l.* value be sent for the Indians. *Set out, Acts of Privy Council*, II. Nos. 960, 961. [C.O. 5, 1120. pp. 271-273.]

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890. List of the small arms *etc.*, for New York, sent last summer and taken by the French. (*See preceding.*) [C.O. 5, 1120. p. 274.]

Feb. 22.
St. James.

891. Order of Queen in Council. *Refers* the question of a present for the Indians [*in preceding*] to the Lord High Treasurer. *Signed*, Chris. Musgrave. *Memorandum in margin*: A warrant was signed by the Queen, July 1705, directing Col. Byerley, Receiver General of New York, to pay 300*l.* for this use, as appears by entries in the Treasury. This was upon Mr. Champante's solicitation. *Endorsed*, Reed. Read Sept. 25, 1705. 1½ pp. [C.O. 5, 1048. No. 107; and 5, 1120. pp. 340, 341.]

Feb. 22.
St. James.

892. Order of Queen in Council. *Refers extract of No. 889*, relating to stores for New York to the Duke of Marlborough, Master General of the Ordnance, for an estimate. *Signed and endorsed as preceding.* 1½ pp. [C.O. 5, 1048. No. 108; and 5, 1120. p. 339.]

Feb. 22.
St. James.

893. Order of Queen in Council. *Refers* petition of owners of the *Richard and James* and *Rumbo* galley to H.R.H., to consider of what force and burthen ships, which have letters of marque and trade to H.M. Plantations in America, ought to consist of, to exempt them from being detained by an embargo, as they desire *etc.* *Signed*, C. Musgrave. [C.O. 324, 9. pp. 60, 61.]

Feb. 22.
Whitehall.

894. Mr. Secretary Hedges to Governor Handasyde. H.M. is pleased to approve of what you propose [Dec. 17, 1704], in relation to the not exchanging of prisoners, and what you propose concerning the Commission[er]s of Privateers being restrained to the French only, except such of the Spaniards as correspond with France or have French goods on board, seems very reasonable, that they may not intercept our trade with the Spaniards: in the meantime such as disturbe it, and come within your power may, We think, be punished by you according to the rigour of Law. That part of your letter which relates to prizes and ships going to St. Thomas and Curacoa is laid before my Lord Treasurer,

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and I hope by the next packet boat some directions will be sent in those matters. What you propose concerning the adding two companies to your regiment, will I suppose be complied with, and that you will hear what is done therein by the next packet. The depositions against Mr. Totterdale are come to hand, but it is supposed that he being so great a disturber of all Governors as you represent him, it is in your power to punish him there according to his deserts. *Encloses* H.M. Letter for transmitting half yearly accounts of Stores of War. *Quoted.* [C.O. 324, 30. pp. 18-20.]

Feb. 23. **895.** Mr. Clifford to the Council of Trade and Plantations. Fleet Prison. The merchants have drawn up their report, but will not take the least notice of me etc. *Signed*, Jer. Clifford. 1 p. [C.O. 388, 75. No. 115; and 389, 36. pp. 248, 249.]

Feb. 25. **896.** Agents of Barbados to the Council of Trade and Plantations. Reply to Capt. St. Loe [Feb. 22]. He admits that, contrary to his Instructions, he pressed Lee without an order from the Governor. The depositions he produces from Slingsby, Skene, etc., that Lee is a scandalous fellow, ought not to be regarded, not being under the seal of the Island; but they rather prove the combination, etc. *Signed*, Mel. Holder, Wm. Cleland, J. Stanley, Wm. Bridges. *Endorsed*, Recd. Read Feb. 28, 170 $\frac{1}{2}$. 1 *closely written* p. [C.O. 28, 7. No. 85; and 29, 9. pp. 189-191.]

Feb. 25. **897.** Governor Lord Cornbury to the Council of Trade and New York. Plantations. *Acknowledges* letters of August 24 and 25, with H.M. letter relating to shares of prizes, which I shall take care punctually to observe, as likewise H.M. Instructions relating to the Acts of Trade and Navigation. I have obeyed your Lordships' directions in appointing a day of thanksgiving for the Glorious Victory etc. which has been observed. As for *the account of the stores which* your Lordships require of me, I will endeavour to comply with it, even by this ship if possible, but if not, by the next you shall most certainly have it. Since Dr. Bridge's death, there are dead of H.M. Council Mr. Ling, Mr. Attorney Generall Broughton, and Coll. Smith, and Col. Romer has not been near me upwards of two years, and I hear is now going for England, soe that there are but seven Councillors in the Province, Col. Schuyler and Mr. Renslaer live at Albany, Mr. Lawrence and Mr. Beekman live upon Long Island, and Coll. Heathcot in West Chester County, soe that there were but two in towne, Mr. Van Dam and Mr. Wenham, and indeed all the winter I can have the assistance of none but those who live in towne, therefore I have lately admitted into the Council Mr. Mompesson, Mr. John Barbaric and Mr. Adolph Phillips, whom I intreat your Lordships may be confirmed, I think them all three very good men, and I am satisfied they will serve the Queen as they ought to doe. As for the Acts of Assembly sent in June, I cannot imagine how that mistake came, but for the

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future I shall observe your Lordships' directions and certify all the Acts. *Signed*, Cornbury. *Endorsed*, Recd. 25th, Read June 28th, 1705. *Holograph*. 1 p. [*C.O.* 5, 1048. No. 109; and 5, 1120. pp. 315-317.]

Feb. 26.
New York.

898. Governor Lord Cornbury to Sir Ch. Hedges. *Acknowledges* letter of May 25 *etc.* I shall take care to prepare against the next conveyance as good an account as I can of the two Provinces under my care *etc.* I had soe short notice of this ship's sailing that I could not doe it now *etc.* *Signed*, Cornbury. *Endorsed*, R. June 26. *Holograph*. 1 p. [*C.O.* 5, 1084. Nos. 24 and (duplicate) 24.i.]

[Feb. 27.]

899. The Case of Thomas Byfield and Co. Upon the assurance of the Council of Trade and Plantations, that if they would undertake the importing pitch and tarr from Carolina, they might depend upon all fitting encouragement from the Government, they fitted out the *Dove* to Carolina in May last. They expect her arrival in two months time. *Pray* for the addition of a clause allowing the same encouragement for what pitch and tarr she shall import, as is contained in the Bill for *importing Naval Stores from the Plantations*, although she arrives before the said Act commences. *Endorsed*, Recd. Feb. 27, 170 $\frac{1}{2}$. *Printed*. 1 p. [*C.O.* 5, 1263. No. 13.]

[Feb. 27.]

900. Mr. Congreve to the Council of Trade and Plantations. There will want at least 100 men to recruit the 4 Companies at New York. *Signed*, C. Congreve. *Endorsed*, Recd. Read Feb. 27, 170 $\frac{1}{2}$. 1 p. [*C.O.* 5, 1048. No. 110; and 5, 1120. pp. 274, 275.]

[Feb. 27.]

901. Account of the Respitts on the Four Companies at New York, Jan. 1, 1702-Oct. 1704. *Total* 2,000*l.* 0*s.* 8*d.* *Signed*, John Mercer. *Endorsed*, Recd. Read Feb. 27, 170 $\frac{1}{2}$. 2 large pp. [*C.O.* 5, 1048. No. 111.]

Feb. 27.
Jamaica.

902. Governor Handasyd to Sir Charles Hedges. *Acknowledges* letter of Dec. 7 with the King of Spain's Proclamations, which I shall endeavour to get dispersed *etc.* As to the two Regiments here, I have nothing more to propose except that the inhabitants be obliged to quarter both officers and soldiers, or to procure them quarters, by which means they will not loose their lives for want of lodging. The Gentlemen that belong to the Island, who are in England, may pretend what they will, but there are of my own Regiment out of quarters, at Port Royall and Spanish Town, above 150. Those at Port Royall have no other lodging but under the platforms and the Heavens for their Canopee, and have no other beds but an iron or brass gun, and bricks to lie upon; and in Spanish Town 40 or 50 have no other lodging but under a shade or an old house, when they can find one empty. My other proposal is that we may have four months pay advanced, by which means we may have our mony

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paid here always as it is due; and the liberty to pitch upon those Gentlemen who are fitt to answer our Bills. The Gentleman who I request may serve my Regiment is Mr. Knights. I enclose a copy of the Protection I am sending to a party of French, who have revolted from the French and Spanish Governments in the West Indies and request H.M. gracious protection, they taking the oaths and behaving themselves as they ought to do. They are about 70 or 80 in number. Mr. Totterdale has again been disturbing the people and opposing authority. His affronting and bringing actions against the Councillors (before which it has always been usual to ask leave, and when done in a decent manner has never been refused) is the occasion of his being taken in custody, and unless he is prevented pleading in the Queen's Courts, I see no end of his villainy, his party is so great, that he never wants some, who dare not openly appear in it, to assist him, so that he can't want juries conformable to his inclination. [*Refers to Minutes of Council.*] Here are 4 merchant ships that will sail in 3 or 4 days, by which I send several French prisoners, according to the request of the Captains to help to sail them, which they oblige themselves to deliver to the first of H.M. goals. I shall take care the men of war shall see them past the Capes, and then I hope they will be clear of all danger in these parts. Our Privateers have since my last brought in 3 prizes, two French, the other a Spaniard. As to the value of them, I am wholly a stranger. The Insurrection of the negroes is quite quelled, some of the Ring Leaders were taken and executed, the rest were sent off the Island. I return you hearty thanks for your news, if our success in Portugall had been answerable to the Duke of Marlborough's glorious success in Germany, we had before this broke the heart of that Tyrant. *Signed, Tho. Handasyd. Endorsed, Rd. Aug. 6. 2½ pp. [C.O. 137, 51. No. 6.]*

Feb. 27.
Jamaica.

903. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Nov. 30. Mr. Chaplin has sent by this packett copies of his accounts, sworn to by him before me. *Encloses duplicates*, with the Minutes of Council since my last, by which your Lordships will see how I am constantly plagued by Mr. Totterdale, etc. *Repeats part of preceding.* The Spanish trade goes but very slowly on at present, as I do apprehend, they having been supply'd by the French and Dutch. Some alterations in our Privateers' Instructions are absolutely wanting, to prevent their taking the Spaniards, except such as have French goods or naval stores on board. As for my own part, I dare not hazzard making any alterations without orders from H.M. or H.R.H. I have writ to the Admiralty Board to that purpose to lay it before H.R.H., and likewise to the Secretary of State. The two Regiments here are indifferent healthy, except such as have no quarters, etc. *as in preceding.* *Signed, Tho. Handasyd. Endorsed, Reed. 18, Read 24 April, 1705. 3 pp. Enclosed,*

903. i. Copy of Protection sent by Governor Handasyd to some French deserters lying concealed at Boca Toxo

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on the Spanish coast. Feb. 22, 170 $\frac{1}{2}$. *Signed*, Tho. Handasyd, *Endorsed as preceding*. 1 p. [*C.O.* 137, 7. Nos. 6, 6.i.; and (without enclosure) 138, 11. pp. 389-392.]

Feb. 28. **904.** Council of Trade and Plantations to Governor Sir W. Whitehall. Mathew. Since our letter of Nov. 30, we have received yours of Oct. 2 and Nov. 25. We laid before H.M. two Acts past at St. Christophers in Sept., which H.M. was graciously pleased to confirm. *Enclose* Order in Councill. What you writ about the Barbados fleet's not touching at Antego and Mountserrat has been laid before the Lord High Admiral. We also represented to H.M. what you write about the want of cannon and Master-gunners for the Leeward Islands, which representation H.M. has been pleased to refer to the Lord High Treasurer, and we shall not faile to give you timely notice of what shall be done therein. In relation to the collection of the Laws, we must again desire that you would hasten the dispatch thereof. And tho' you may not particularly know what Laws have been confirmed and what repealed, yet when you shall have sent us a compleat collection of the whole, with the years in which each Act was passed, we shall be able to set that matter right. [*C.O.* 153, 9. pp. 84, 85.]

Feb. 28. **905.** W. Popple, jr., to Josiah Burchet. The Council of Whitehall. Trade and Plantations desire to know what Instructions Capt. St. Loe had relating to pressing at Barbadoes *etc.* [*C.O.* 29, 9. p. 192.]

March 1. **906.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclosing* informations relating to Major Lloyd, to be laid before H.M. In case H.M. thall think fit to send a reinforcement to the garrison of Newfoundland (*as Feb.* 14), it will be necessary that a proportionable increase of provisions be forthwith ordered *etc.* *Autographs.* 1 $\frac{3}{4}$ pp. [*C.O.* 194, 22. No. 13.]

March 1. **907.** Council of Trade and Plantations to the Bishop of Whitehall. London. We are convinced that the irregular proceedings [*in Newfoundland*] have been in great measure occasioned by the violent temper and scandalous life of Mr. Jackson the minister *etc.* Considering the importance of the place and the necessity of preserving the better discipline, we humbly desire that your Lordship would recall him, and that another minister be sent by the next convoy to supply his place. [*C.O.* 195, 3. pp. 407, 408.]

March 1. **908.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. In answer to letter of Feb. 14. *Refer* to letter of Jan. 12. We have only to add that the evidence against Capt. Lloyd, as far as appears to us, does not prove the misbehaviour alledged against him, several of the persons having signed papers contradictory to themselves, at one time accusing and at another

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justifying him, and the last Commodore and Captains of the 2 men of warr there, as likewise the Masters of several merchantmen having given a good character of him. *Autographs.* 2 pp. [C.O. 194, 22. No. 14; and 195, 3. pp. 405, 406.]

March 1. **909.** Order of Queen in Council. *Referring enclosed* to the
St. James's. Council of Trade and Plantations, who are to consider the papers lately transmitted from Barbadoes, and report. *Signed,* John Povey. *Endorsed,* Recd. 6th, Read 7th March, 1705. 1 p. *Enclosed,*

909. i. Petition of the Four Suspended Councillors of Barbados. *Pray for* H.M. letter for examining their witnesses in Barbados, and that the appointment of persons to fill their places on the Council be meantime suspended. *Signed,* Geo. Lillington, Michael Terrill, David Ramsay, Ben. Cryer. 4 $\frac{3}{4}$ pp. [C.O. 28, 7. Nos. 86, 86.i.; and 29, 9. pp. 213-222.]

March 1. **910.** J. Burchett to Mr. Popple, jr. [See Feb. 28.] All
Admiralty the men of warr, ordered to attend on Barbados etc., for the
Office. security of those Islands, are particularly directed not to impress men there, but to apply to the Governors. But Capt. St. Lo, being ordered to the West Indies with the Trade, and to return as soon as the Trades were ready, he had no particular orders about pressing (neither was he forbidden to impress men at the Islands), as the ships station'd there, have. *Signed,* J. Burchett. *Endorsed,* Recd. Read March 2, 170 $\frac{5}{8}$. 1 p. [C.O. 28, 7. No. 87; and 29, 9. pp. 193, 194.]

March 1. **911.** Council of Trade and Plantations to the Queen. About
Whitehall. 100 men are wanting to compleat the 4 Companies at New York, and a sufficient sum is saved upon the Establishment for making the recruits, which is very necessary. [C.O. 5, 1120. pp. 275, 276.]

March 1. **912.** Order of Queen in Council. *Referring preceding* to the
St. James's. Lord High Treasurer to give such orders therein as he shall think fit. *Signed,* Chris. Musgrave. *Endorsed,* Recd. Read May 2, 1705. $\frac{3}{4}$ p. [C.O. 5, 1048. No. 113; and 5, 1120. p. 292.]

March 1. **913.** Copy of a warrant from Lord Cornbury appointing
Win. Sloper his Agent for the Province of New York. *Endorsed,* Recd. Read July 20, 1705. 2 $\frac{1}{2}$ pp. *Set out,* N.Y. Doc., iv. p. 1137. [C.O. 5, 1048. No. 112; and 5, 1120. pp. 331-334.]

March 1. **914.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. In reply to letter of Feb. 16. We know of no Law or Treaty which forbids the carrying the English Manufactures from England and Ireland immediately to Curaçao and St. Thomas, those Colonies belonging to Nations in amity or allowance [*sic*] with the Crown, tho' we do conceive that the same is of great prejudice to the trade of H.M. Plantations, for that the Dutch

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and Danes do thereby intercept and carry on that trade more immediately with the Spaniards, and gain that additional profit which would accrue to H.M. subjects of the Plantations, in case the said goods were first lodged there, and carried from thence directly to the Spanish coast in the West Indies. One great occasion of carrying our English manufactures immediately to the Dutch and Danes is that the seamen are frequently prest at Jamaica and other Plantations from on board the merchants ships trading there, and the ships disabled from proceeding on trade with the Spaniards, so that our merchants do rather chuse to go to Curaçao and other foreign ports, where they do not meet with any pressing or molestation of that kind, but on the contrary with all encouragement, whereby that trade may be drawn to those parts. *Endorsed* [? by Sir C. Hedges] "sent to ye Committee of Trade to propose wt. may be done to prevent. Care is taken yt seamen are not to be impressed by a standing Order from ye Prince's" [? Council]. 2 pp. [C.O. 318, 3. No. 22; and 138, 11. pp. 377, 378.]

March 1. 915. Governor Nicholson to the Council of Trade and Virginia. Plantations. *Refers to letters of Oct. 7 and 30, and encloses duplicate of latter.* I have the Masters' receipts for my letters (*described*). I am more particuilar to your Lordships in this affair because I find that is a great acensation against me, for opening and stopping of letters and such things, but this some of them have revived; for the same thing they taxt my predecessour with, tho' I think they will find as much difficulty to prove that as most of their other acensations etc., and may be no Governour ever took more care about the safe conveyance of people's letters both while I was in Maryland and here and to my no small charge and trouble. I believe that I have had several letters stopt and intercepted both that have been for me here and those I have sent for England, something I have found out of it here and Mr. Perry writes me the same concerning my letters to him, etc., so I humbly begg that your Lordships will be pleased to enquire of Mr. Perry, both what he wrote to me, and what I have answered him about that affair. I think they have served me in this as they have done in others, that is where they have been guilty of any ill thing themselves, they would endeavour to throw it upon me; and this I hope to make appear when I have answered their memoriall, affidavitts etc. What your Lordships were pleased to direct, June 29, concerning letters etc. your Lordships will see what I have done in Councill thereupon Dec. 15, which I hope is agreeable to H.M. commands and your Lordships'. This is designed by the *Eagle* gally. I intend to send your Lordships a copy of the receipt which I designe the Captain shall give me concerning taking care and sinking the letters etc. What you write Feb. 16, 1703, about New Yorke, I am heartily sorry that the Assembly had so little regard to H.M. Demands, relating to the quota, but I am extraordinarily obliged to your Lordships for what you write concerning my zeale in that affair, and your Lordships were pleased before to

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approve what I did concerning it, as likewise his late and her present Majesty ; but for all this I find Mr. Blair makes a great accusation against me, upon the affair of New Yorke, and the Memoriall Gentlemen insinuate something of it, when they tax me with using harsh speeches and irritateing propositions to the Assembly. I suppose they mean that wherein the New York affair was managed and where they used all their art, cunning and interest to oppose it. To endeavour here particularly to answer it or justify myself I think would be very rude and impertinent in me, because all the Journalls were sent to your Lordships, and with humble submission, I think they have in some measure if not taxed, yet reflected on your Lordships not only in that but in some other affairs, the particular whereof I suppose will appear when I have put in my particular answer to the Memoriall and Affidavits. One thing I beg leave to observe. Mr. Blair taxes me for not haveing my Lord Cornbury's receipt for my bills of Exchange for the 900*l.* entred on the Journall of the Councill ; I confess it is not there, but it is recorded in a particular book belonging to the Councill Office where things of that nature were entred, with my letter to your Lordships of July 23, 1703. I there sent you a copy of the said receipt for which I suppose you were pleased to order, that in case the Assembly of Virginia do not reimburse me that mony, H.E. my Lord Cornbury was immediately to repay it : but his Lordship never received any of the money, nor as I hear never demanded of Mr. Perry. *Refers to letter of Aug. 1, 1703.* I very well remember that in the long Assembly about New York on one of the last days of that Session I came into the Council Chamber and found Blair and Beverley close together talking on that subject, for Beverley then was a Burgess. Blair asked him why they did not send more reasons against the quotas etc., but Mr. Secretary Jennings being next him gave him a jogg. I suppose he was so intent on that subject, that he did not see when I came in, and I suppose from that Sessions they contracted a familiarity, for friendship I believe it is none, for may be few people had abused and reflected upon one another so much as they had done. I think both these sparks have had profitable places by my interest and means, and maybe no man hath been much more beholden to any other then Blair hath been to me, as I think I can make appear by letters under his owne hand, except he will deny them ; for I am sure that he hath both sign'd and sworn against me things of as strange nature, and I don't question but to make it appear both by records and living testimonys, that most of the things that he and Beverly hath sworn against me is not true (to give it no worse an epithet) especially Blaire. In the same letter your Lordships mention, that as to what I writ about attacking of Canada, your Lordships had communicated my Lord Cornbury's proposall about it to the Secretary of State ; but I find that Mr. Blair in particular hath laid an high accusation against me on that subject, to which I shall at present only beg leave to say ; that not only in those two cases of New York and attaequeing Canada, as likewise about

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a Burgess for James City, and taking up land on the South side of Blackwater Swamp etc., and what other things of the same nature they accuse me of, that is of endeavouring to do my duty what in me lay, both to his late Majesty and her present Majesty, I am far from being troubled and concerned at them, because I hope they have done me no prejudice with your Lordships, by reason I always endeavoured (according to my duty) to send your Lordships the Journal of the Council, Assemblys etc., as likewise writt to your Lordships on those particular subjects, and I think that your Lordships will not be much better informed either by the Memoriall or affidavits concerning these or the other affairs they tax me with, than I have and shall endeavour to doe when a full answer to them is (God willing) sent to your Lordships by me. I am extreemly obliged to your Lordships for what you write in that letter, that I had no occasion to be troubled for the report concerning my mal-administration etc., and your Lordships were pleased in a letter of July 29, 1703, concerning the complaints of Capt. Moodie etc. to write that you would be farr from censuring me without hearing, but rather be ready to represent the satisfaction your Lordships always had in my conduct. I was too sensible of the designs that some few of the Extra-Twedians had against me, but I confess that I could not have imagined that they would have gone so farr as to have made affidavits against me, but I find when men give themselves up to implacable malice, hatred and revenge, that they will stick at nothing. I find that three of the Affidavitt Sparks were of that country and one Frenchman, and Robert Beverley, I fancy, will hardly find that Virginia will owne him. As for Esq. Luke, I pity him with all my heart, because he is an English Gentleman of Quality and hath a great many such relations, but he hath fallen into bad company both with them and his wife. My Lords, God forbid that I should in the least reflect upon that noble and ancient Kingdom of Scotland, because I had the misfortune of being very strangely used (but I thank God it is but) by a few of them, and I should be unjust if I did not owne that the other gentlemen of that nation in this country behaved themselves very civilly and justly towards me, and I have done the like to them, tho' these Sparks endeavoured to have made a nationall difference. My Lords, in the Council Memoriall, they take notice that all Colonells, Lieutenant Colonells, Majors, Captains and other officers in the Militia are put in and turned out without asking advice of the Council, contrary to all former practice. It may be sometimes I have like my predecessours asked advice of the Council or named the Militia officers there, but with humble submission I think that I am not obliged to do it, either by my Commission or Instructions, and in another paragraph they tax me with advancing men of inferiour stations to the cheif commands in the Militia, by which trusts and honours the Council used alone formerly to be dignified and distinguished, to H.M. great security in times of danger, but the epithet (dignified and distinguished) I think clearly demonstrates who was the contriver of this Memoriall, for Mr. Blair

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may be would have been dignified and distinguished by severall military powers and commands, as he was in ecclesiasticall and civill, then he might have had a sort of spirituall militia, but into whom no doubt he would have endeavoured to have infused some worldly principles, as that they might have gott and enjoyed (no matter by whatever unlawfull and unjust wayes and means) a comfortable terrestiall subsistancce before they had endeavoured to have secured themselves a celestiall habitation. I suppose that may be Mr. Blair hath read a little pamphlet entituled, *A discourse of Government with relation to Militias*, (one of them was given to me by Mr. Benja. Harrison, and under the word militias with his owne hand he writes thus, vizt. written by Andrew Fletcher, Laird of Saltoun) by which he might think himself qualified to be a Dictator as well in military affairs as he took upon him to be both in ecclesiasticall and evill; no doubt he had a high value and esteem for that book, because he hath told me that the Laird of Saltoun was a relation of his and a particuler friend; and Mr. Harrison told me that he was very well acquainted with him: and I found that both of them had a very extraordinary great opinion of Mr. Fletcher, and that gentleman's pamphlet, entituled *Speeches by a Member of Parliament* which began at Edenburgh, May 6, 1703 (for I think Mr. Harrison as soon as he saw it coneluded they were his), hath been studied and practised by him, but I thank God that all his Speeches etc. in the Assembly have not in the maine had any influence over them, nor I hope never will, for he is now seen through and well enough knowne in the country, and so I think is Mr. Blair and the rest of the small faction. But may be these Sparks want to have a Scotch Act of Security that they might make use of their militia on occasion, and may be they would do it as soon as possible, that they might be the better able to assist their brethren in promoting their Interest both in point of Religion, Government, and Trade. In the same paragraph of the Memoriall they say that by these means I endeavour not only to regaine the good opinion of the common people, but also to begett in them such jealousys and distrusts of the Councill as might render them incapable to withstand my arbitrary designes. I humbly make answer that I have not advanced men of inferior stations to the cheif command etc., but where there was not a Councillor in the county I commissioned the best gentleman in it to command the Militia. That the Councill formerly had the command of all the Militia in all the countys, though they did not live in them, is not so, to give it no worse an epithet, but it is an easy thing to see that these gentlemen would have all the power in their owne hands, for if everything should be granted them that they ask in their Petition and Memoriall, and what the Affidavits men would have or rather what they demand, H.M. would have but a mere skeleton of a Governmt. left, and hardly the power of a Doge of Genoa, and I think the question may be put to them as the wise King Solomon did to his mother, Why don't they ask the Kingdome or the Government also, that they make a Commonwealth of it, which

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I suppose is more their aime then of any great security to H.M. in times of Danger, by their being intrusted with the power of the Militia, which if they once had perhaps they would use it in the same manner as the Parliament did to King Charles I. They would insinuate as if I did these things to regaine the good will of the common people ; I don't know that ever I lost it, nor of the best sort neither, except their small party, and how they came to have such a bad opinion of me now, when they had quite the contrary formerly, I can't tell except it were that I would not be guided and governed by them and turne Secretaries, Auditors, Collectors, Navall Officers and others out of their places, and put them and their friends in, and continue to be constantly making presents to them etc. and that I would not lett them doe what they pleased. As to the begetting in the common people jealousies and distrusts of those Gentlemen of the Councill, if I had a mind to it, I need not use many ways and means to effect it, for I think not only the common people but others know them now of late too well to trust them, and if there should be occasion either for raising voluntiers upon the occasion of an invasion or insurrection (which God forbid) these gentlemen would find very few to come into them, neither would the militia be very fond of serving under them, because they know their inability every way, as likewise their haughty carriage about these things. Concerning the militia, I most humbly refer myself to the severall letters which I have all along writ to your Lordships, as likewise to the Journalls of the Councill, which I hope will contradict what Mr. Blair hath made so long a charge against me in the latter end of his first affidavit concerning arbitrary designs ; his insinuations about Cromwell, but more particularly that rebell Bacon. I think he ought to have the same treatment from your Lordships as the Asiatick philosopher had, who made a long oration about warr and soldiery in the presence of Hanniball. Mr. Blair's notions in that affaire are as chymericall as his insinuations are false. May be it is as his countryman Dr. Bill, who came over with him, says, that he believes he is hypocondriack, and may be of late he has imbibed some of the principles of the Fifth Monarchy men, and so fancied that I was going to sett up one. If I was apprehensive that your Lordships did in the least believe me to be guilty of what Mr. Blair endeavours to insinuate and charge me with, as if I was going to levy warr against her most sacred Majesty, it would trouble me much more than all the rest of the Memorials, affidavitts etc., for that would be such a peice of horrid and foolish villany in the highest degree, that I think no punishment and death would be too cruell for me. If the Devill had gott so much power over me as to entertaine the thoughts and designes of doing such a thing, I believe that I should not have accomplished it, by reason that I should not have been able to gett any of the inhabitants in these parts to have joyned with me ; but he hath forgott to have sworne that I had lately found out a country from whence I might bring an army of Pigmies, instead of one of Pilgrims, but he might chance to have given a wrong

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description of their leader as Oates did to Don John. I think Mr. Blair hath equalled, if not outdone, his countryman Furguson by being dissatisfied with every Governmt., and that he hath also outdone Oates, Young, and Fuller, and may be few men in his ecclesiastick station as Commissary hath acted more arbitrarily, illegally and uncannionically, especially in the tryall of one Collier. As for his actions concerning the College I thinke he hath behaved himself in most respects very strangly, especially by doing little or nothing for his 150*l.* a year. As for the affaire of the militia, and endeavouring to sett up for myself, I shall endeavour (God willing) particularly to answer Mr. Blair's affidavit, and if any solemn vows and protestations that I am capable of making (and I thank God that such things never entred into my thoughts, much less were any of my actions towards it) could satisfye your Lordships that what Mr. Blair hath charged me with was not true, I could most safely do it, but it may be justly replied upon me, that all I could, not only say, but swear on that subject ought not to be in the least credited, because if I were a traitour (I think one of the worst characters in the world) I would not stick at forswearing myself, which I hope in God I never have or shall do, or that it will be legally proved that ever I was or designed to a Rebell. *Signed*, Fr. Nicholson. *P.S.*—I transmitt a copy of a Commission which I gave to John Smith Esq., one of H.M. Honble. Council, which I think will be for H.M. interest and service, as likewise to make more such officers as Adjutant Generall, Muster Master Generall. (But maybe Mr. Blair will have new notions on this, and swear that I have actually began the Rebellion, which is as true as the other) and I am in hopes that what I have and intend to do in this affair will not be disapproved of by your Lordships, which will be a satisfaction to F.N. *Endorsed*, Reed. 2nd, Read May 31st, 1705. 5½ large pp. *Enclosed*,

915. i. Copy of a Commission to Col. John Smith to be Quarter Master General of all the Counties of Virginia between the Rivers of York and Rappahanock. June 24, 1704. *Signed*, Fr. Nicholson. 1 p. [*C.O.* 5, 1314. *Nos.* 40, 40.i.; and (without enclosure) 5, 1361. pp. 237–257.]

March 2.
Whitehall.

916. Council of Trade and Plantations to Mr. Secretary Hedges. In reply to letter of Feb. 21, *enclose* Report to be laid before H.M. *Annexed*,

916. i. Council of Trade and Plantations to the Queen. Tho' it do's in the generall very much contribute to the security of trade that all ships bound from the Plantations to England do sail with convoy according to your Majesty's Instructions, yet forasmuch as these two ships are designed for the coast of Guinea and from thence to Jamaica with negroes, which may likewise promote the trade with the Spaniards, so that the time of their arrivall at and departure from the Plantations cannot be so well ascertained as to depend upon convoys, and they being light saylors and of force, we have nothing

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to object why your Majesty may not grant your Orders to your Governors to permit them to sail without convoy for the present voyage to be performed within the space of 12 months. [C.O. 5, 1361. pp. 54-56.]

[March 2.] **917.** Affidavit of James French, Master of the *Mermaid*, that he sailed from Guinea to Virginia, and on arriving found an embargo, and could not clear for England, though he might have had 15*l.* per tun freight for London, and although he had a letter of mart, so entered for ye Maderas in ballast, and by stress of weather was forced into Bristol. Feb. 26, 1704. *Signed*, James French. $\frac{3}{4}$ p. [C.O. 5, 1314. No. 41.]

[March 2.] **918.** Similar affidavit of Roger Carnaby, Master of the *Dolphin*, as to his being detained in Virginia. Bristol, Feb. 26, 1704. *Endorsed*, Reed. Read March 2, 170 $\frac{1}{5}$. 1 large p. [C.O. 5, 1314. No. 41(a).]

March 2. **919.** Council of Trade and Plantations to Mr. Secretary
(Whitehall.) Hedges. *Enclose* extract of Governor Dudley's letter of Nov. 27, 1704, relating to Aecadie and Canada. [C.O. 5, 911. p. 452; and (with enclosure) 42, 13. Nos. 6, 6.i.]

March 2. **920.** Mr. Clifford to the Council of Trade and Plantations.
Fleet Prison Since Feb. 23 I have not heard anything from your Lordships or the merchants. *Signed*, Jer. Clifford. *Enclosed*,
920. i. Copy of letter of Feb. 23 from same to same. [C.O. 388, 75. Nos. 116, 116.i.; and 389, 36. p. 251.]

March 2. **921.** Governor Nicholson to the Council of Trade and
Virginia. Plantations. It is a very great trouble to me that I should be taxed with misapplying H.M. Revenue here; but Mr. Auditor Bird being just dead before I received the Memorial and affidavits from your Lordships, incapacitates me at present from giving so full an answer about the revenue, as I could have done, if he had been alive; but I beg that an Instruction may be given to his successor to examine very nicely into that affair of which they accuse me. I have been so far from misapplying H.M. revenue, that I have done quite otherwise. Without reflection on my predecessors, I believe it will appear by the Journalls of the Council from the very beginning, that I have had more audits in a year than any of them, and that I have (according to my bounden duty) used all lawfull ways and means for improving H.M. revenue in the several kinds thereof. I have had the very great honour to be Governour of this country for six years, and odd months, in which time, besides the annual salarys and contingent charges etc., there hath been paid out of H.M. revenue of 2*s.* per hogshead, 1,700 and odd pounds that was in arrears before I came, and about 400*l.* or 500*l.* of extraordinary charges that were not usual before and there is now in bank, (I thank God) of the 2*s.* per hogshead 1,946*l.* 2*s.* 6*d.* and of the quit-rents 5,752*l.* 7*s.* 4*d.*, besides this year to come,

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tobacco being sold last October to be paid in April next, which I hope will nigh amount to almost as much as it did last year, tho' tobacco is now at a low price in the country. In most of my Predecessors' times, without the least reflection upon them, the revenue of the 2s. per hogshead and port duties etc. did not pay the annual salaries and contingent charges: to make good which there have been several thousand pounds transferred from the quitt-rents. But after all, if I was guilty of what they tax me with, I ought not to plead this in barr to such a peice of villany. I don't doubt but, God willing, when Mr. Auditor Bird's accompts come to be examined, to make it appear that the money which was paid for expresses to the Northward, was when there was an absolute necessity for doing of it, and not for holding a correspondence with Sir Th. Lawrence and Col. Quarry. I have several times received from your Lordships pacquets for H.M. Governors of Maryland, New York and New England, which I had no other way of safe conveying but by expresses, and I have sometimes paid those that have brought me pacquets, and letters from the Northward, that have come from England into some of those Governments, and when his late Majesty and her present Majesty's royall commands to me for the Assembly's assisting New Yorke (which I think all the six Memorial gentlemen opposed what in them lay) I then also thought that H.M. interest and service required my sending H.M. Governor of New Yorke by express an account of what was done. When Mr. Dionisius Wright went for England, I sent him to give your Lordships (if you thought convenient) an account of the above affairs etc., as I likewise did Mr. Secretary Jennings. But if your Lordships doth not think fitt to allow the 60*l*. to Mr. Dionisius Wright, nor the 100*l*. to Mr. Secretary Jennings, nor the mony which was paid for the several expresses to and from the Northward, and send an order that I should make good to H.M. revenue the said several summs, I shall obey. I am not any way directly nor indirectly a gainer by them, but it will be so much money paid by me for which I never had the least private advantage or service. I have laid out many a crown and pound that I might justly have charged to H.M. revenue. I have several times maintained expresses at my own house, and other times carried the Messengers, when they returned, along with me, and instead of sending expresses have given the answers myself to the Governors of Maryland and New York. But your Lordships having had all the Journalls of Councill, I hope it will appear by them that this affair of the revenue, hath not been so managed as they have represented, and I defy them to prove that either they jointly or singly, or Mr. Auditor Bird did either publicly or privately represent anything to me about the management of the revenue. Your Lordships know very well that the annual sallarys etc. amount to within 200*l*. or 300*l*. a year, of what the accounts come to; but being these Gentlemen say I have managed the revenue without their advice and consent, I hope they will not pretend to have any applause for the increase of H.M. revenues of severall sorts, so that affair I hope in some measure may be

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attributed to Mr. Auditor and myself. When I shall mention Records either against them or for my own justification, I suppose they will (as they have done already) endeavour to insinuate as if the Records were not true. This I take to be a thing of so extraordinary a nature, both in respect of H.M. interest and service and the country's, and the peace and satisfaction thereof, that I shall (God willing) most earnestly recommend to the Assembly, that they would examine the several records with the utmost diligence and care, for if they should not be right I think most things would be wrong: but I thank God that I defy them to prove the Records by my orders, or I hope by the orders or negligence of any others, are falsified in any respect, and I hope they will not say, much less pretend to prove, that the Records which Mr. B. Harrison and Mr. R. Beverley made, and are under their own hands, are forged etc. In this case of the revenue, and indeed of most other of the accusations they have made against me, they have done it with a great deal of artfull trifling, malicious insinuations, and many notorious falsities, which I hope in God that now in part, and afterwards both by Records and living testimonys will appear to be so; but they have likewise done in this, as in most other of the accusations against me, observed to a tittle, the old Diabolical saying vizt. Fling dirt enough and some will stick. I must confess that what they have signed and sworne about the falsifying the Records, is one of the cunningest things they did, and maybe they were aware that the Records etc. would not only prove a great part of the Memorial and Affidavits to be false (to give them no other epithete) and so make them appear to be very strange sort of men, but likewise would clear and justify me.

The Bristoll fleet is arrived here within these few days, as likewise some ships from Liverpool, Biddiford etc., but that which is most wanted is the London fleet, for if they should not arrive here before the Fall, I suppose goods will be very much wanted, and it is like there will not then come ships enough to carry away both the crops of last year and this, and 'tis very probable that a great part of the tobacco, especially Aronoco, if left in the country will be spoil'd, or at least wasted in the weight. I most humbly propose that if the London fleet doth not come here before the next Fall or winter, that an account thereof may be sent hither so soon as possible with the reasons why they cannot come hither sooner, as whether it be caused by embargos, want of seamen, or that it is a contrivance of the merchants; for if they don't come there will be various accounts from England, and likewise Reports here concerning it, according to people's several interests, everybody depending upon the ships coming, especially the Londoners, makes them uneasy if they don't come in time to bring their goods etc. and carry out their tobacco on freight, or that purchasers come in for it. When there are ships and goods enough in the country, then it is very easy with them. They begin to talk of endeavouring to make linnen and woollen, as they did some time last warr, the reason is the low price of their tobacco and the want of ships and goods in the

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country, and here are some persons that take all these advantages, and endeavour to infuse strange notions in the people, but that none of these things may happen to the prejudice of H.M. revenue in general, or the interest of my mother country old England, are my prayers, wishes and hopes. *Signed*, Fr. Nicholson. *P.S.—Refers to enclosures. Endorsed*, Reed. Read May 2, 1705. 2 large pp. *Enclosed*,

921. i. Copy of Mr. Auditor Byrd's Will *etc.* July 8, 1700. 6 pp.

921. ii. Copies of Governor Nicholson's Proclamations. June-Dec., 1704.

(a) To enforce the Act for ascertaining the size of tobacco hhds, and the complying with Orders for escheat lands; ordering a return of glebe lands in accordance with the Act for the maintenance of the Clergy, and the Churchwardens to give an account whether their parishes have received any of the Great Bibles sent in by Sir Jeffery Jefferys; and the Vestrys to return their answer to the opinion of Sir Edwd. Northey concerning inductions. After Sept. 30 the private musters appointed for every three weeks are to cease. June 28, 1704.

(b) Proclamation declaring the Hon. Wm. Byrd President. Aug. 9, 1704.

(c) (d) Proclamations proroguing the General Assembly to Nov. 16 and April 18.

(e) Proclamation for a Public Thanksgiving for the Duke of Marlborough's Victory. Dec. 15, 1704.

(f) Proclamation for publishing H.M. orders as to rates of foreign coins. Dec. 15, 1704.

(g) Proclamation on the death of Wm. Byrd, Auditor and Receiver General, appointing substitutes *etc.* Dec. 15, 1704.

(h) Proclamation publishing the Act of Parliament encreasing the proportion of foreign seamen allowed per vessel. Dec. 15, 1704. *The whole endorsed*, Reed. Read May 2, 1705. 8½ pp. [*C.O.* 5, 1314. *Nos.* 42, 42.i., ii.; and (*without enclosures*) 5, 1361. pp. 258-267; and (*duplicates of No. ii.*) 5, 1340. *Nos.* 6, 7.]

[March 2.] **922.** The Four Suspended Councillors of Barbados to the Council of Trade and Plantations. Nov. 18, 1704. Barbadoes. The Addresses of the Council and Assembly and Grand Jury against us are of little weight, being signed by a small part only and those prejudiced against us by their interest or the Governor's influence. Governors can call whom they please on a Jury by appointing some one Justice of the Peace in each parish to summon six Freeholders to be of Jurys, except in such parrishes where a Councillor inhabits, and at this time there are but eight Councillors living in 4 parishes *etc.* Besides this, there was a very extraordinary course taken to model the last Grand Jury, ten of the Judges of the Court of Grand Sessions being taken of ye Bench to fill up whose names we have annexed, every one of which

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doth now hold some place, into which they have been put by our present Governor. To clear ourselves and make good our allegations, we humbly pray for a Commission or H.M. letter for examining and taking depositions of witnesses in Barbados. *Signed*, Geo. Lillington, Michael Terrill, David Ramsay, Ben. Cryer. *Endorsed*, Reed. Read March 2, 170 $\frac{1}{2}$. 1 $\frac{3}{4}$ *closely written pp.* [C.O. 28, 7. No. 88; and 29, 9. pp. 195-202.]

[March 2.] **923.** Eleven Affidavits presented to the Council of Trade and Plantations by the Gentlemen who appear against Sir Beville in behalf of the Absenting Members of Assembly.

923. i. Affidavit of Francis White, late of Barbados. Gordon, the Sheriff, declared the election at St. Lucy's parish closed, Aug. 21 last, when Col. Maycock challenged the qualification of a voter, George Dowrich. Capt. Osbourn kept the guard out that day and prevented freeholders voting for Col. Maycock and Col. Terrill, whilst he permitted others of the same guard to vote for Lt. Col. Pickering and Major Lambert. Troubled at this interference with the freedom of elections and other grievances, many have left the Island, and others are preparing to do so. *Signed*, Fran. White. *Endorsed*, Reed. Read March 2, 170 $\frac{1}{2}$. 1 p.

923. ii. Affidavit of J. Curll, late of Barbados. *Confirms preceding.* The Militia hath been commanded to doe duty upon the mountains *etc.*, which hath very much fatigued the inhabitants, especially the poorer sort, who thereby have been exposed to great hardships, by the negroes robbing their Plantations *etc.* Many have complained that they were abused by their new officers for not voting as they would have them. *Signed*, Jno. Curll. 1 p.

923. iii. Affidavit of Thomas Maycock, late of Barbados. The Governor commanded the Militia on duty contrary to the Laws of the Island and without the consent of the Council, which occasioned the Assembly to address him for redress therein, after which he called together the Council and the Colonels for gaining their consent for proceeding on the said duty of guarding; he put several particular questions to them without allowing them the freedom of debate upon the whole, whereupon the Council did desire that the whole duty of the horse-guards and about half the foot might be taken off. The Island being under no apprehension of danger from the enemy, when the Governor commanded the said unusual guarding, deponent believes the same was done on purpose to make way for a Bill then designed and which was brought into the Assembly for impowering the Governour to raise two Companies of Granadeers to keep guard in the fortifications under certaine allowances and pay, and deponent finding it was the opinion of the generallity that the Bill was not necessary, but would prove destructive to the Militia, and that

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by the large allowances of the Bill to be disposed off by the Governor he would be a gainer thereby at least 3,000*l.* and thereby be a means to evade H.M. Instructions, and fearing the ill consequences of the Bill in regard many of the Scotch servants were free and the service of others just expiring, and the Scotch interest being prevalent, and they chiefly forwarding this Bill, 'twas feared most of the said two Companies would be made up of Scotch men, and thereby all the fortifications be in their power, and wrested out of the hands of the Militia, he informed the Governor that the people were very much dissatisfied with the Bill and desired he would discountenance it, which he refused. The Bill was on the third reading thrown out by a majority of the Assembly, which soe much disobliged the Governor that he declared to deponent that he would make them know that voted against the Bill that he had put them into Commission and would turn them out and put in others that would be more his friends, which he performed in a short time after, and put out many officers both civil and military that were believed to be of the same opinion, viz. 11 field officers and several captains and subaltern officers of the Militia and about 30 Justices of the Peace, and all this without the consent or approbation of H.M. Council, by which removal of so many good and ancient officers at once, the Island was in a confusion and consternation, and soon after there being an alarm upon the appearing of a fleet of ships then feared to be the enemy, the Militia appeared with their arms, but in several places there was no Commission Officer to command them. Deponent believes this change of officers was made purely to influence the passing of the said Bill, for soon afterwards the Bill with some small alterations and with the same advantages to the Governor was again brought in. Deponent believes Col. Robert Johnston, Col. James Colleton, Lt. Col. Robert Steward, Major John Sandford and some other new officers are unqualified by law, as not having a sufficient estate in land, and several of the rest are inexperienced and of mean capacities and substance in comparison to the old officers. 600*l.* was voted by the Assembly to the Governor. William Holder, the Speaker, acquainted the House that the Governour gave them thanks but could not receive it as then worded, for that it would too plainly appear to be a present, and that the Governor desired the Minits might be altered and no summe mentioned, that it might not appear to H.M. to be a present and that he might receive the money. A majority of the Assembly caused the minits to be altered, without any summe mentioned, but that the Treasurer reimburse the Governor's charges in sending vessels as spies and

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gaining intelligence of the enemy's designs and receiving flags of truce from Martinego and for defraying the charges of his servants and equipage, the rent of Buckworth's house, and his expenses till Pilgrim's be fitted up. H.E. spoke to Deponent, then one of the Assembly, and desired that such an entry might be made in the Minnits, that it might not appear to H.M. to be a present. After this was settled, Col. John Holder moved that 500*l.* be given the Governor to furnish his cellar with liquors. The House being divided in opinion, it was desired by several Members that the Question might be put whether any sum should be given and what sum, which was refused by the majority, and the Speaker was desired by John Holder and others to take notice how many was of opinion for 500*l.* and how many against. The Speaker declared the majority was for 500*l.*, and Charles Thomas, Treasurer, was ordered to pay the said sum without any entry made of that sum, and the entrys were made in the Minits as Resolves, although no question put as aforesaid, contrary to the known rules and practices of Assemblys, upon which several members declared that if such irregular proceedings were suffered, it would be the ruin of the Island and of that Constitution, and that they could not join in suffering such proceedings. Some time after Col. John Holder and others moved the Assembly that about 5,000*l.* be raised to carry on the buildings at Pilgrim's, maintenance of the French prisoners and payment of the money advanced by the Treasurer, to which being answered that it was an unnecessary charge to expend so much of the country's money on those buildings which the country had no lease of, and that a much lesser sum was sufficient for the French prisoners, Col. Holder replied that they had given the Governor 1,100*l.* and that part of that fund was to pay him, otherwise it would look like tantalizing him to give him the said sums and not raise money to pay it, whereupon it was desired that since they would tax the people, it was proper to mention the uses in the Bill, and that the money given the Governor was one, which was refused by the majority, alledging that then it would appeare plainly to H.M. to be a present.

Several of the natives of Scotland are preferred to places of great trust and profit, viz. Robert Steward is Lt. Col. of the Guards, Register and Examiner of the Court of Chancery and Clerk of the Crown, and nevertheless is by the Governor suffered to plead and prosecute in the Court of Chancery and all other Courts, which is no small dissatisfaction to H.M. subjects; William Clealand, Member of Council, Col. of a Regiment and Governor of several forts; A. Skeene, Secretary; George Hay, Deputy Provost Marshall and Chief Engineer

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and Surveyor General of Fortifications; Alexander Burnett, Chief Clerk of one of the Courts of Common Pleas; Isaac Wood, Chief Marshall of the same Court; and — Thare, Clerk of the Council and one of the Masters in Chancery. And by reason of so many Scotchmen being in such places, this Deponent hath heard many of the English inhabitants express themselves to be under dissatisfaction and fear of its becoming a Scotch Island. Whereas H.M. has given liberty to the Assembly to allow rent for a house for the Governor not exceeding 300*l.*, Deponent has heard the Treasurer declare that the house now building hath already cost 4,000*l.*, besides there is 120*l.* per annum paid for ground rent, and Deponent believes not less than 1,000*l.* more will finish the said buildings, the interest of which 5,000*l.*, according as interest goes in Barbadoes being 10 per cent., being added makes 620*l.* per annum, besides the loss of the 5,000*l.* to the publick at the end of the lease.

Being informed that Nicholas Paston had petitioned the Governour against Col. John Holder, complaining of several cruelties and abuses done by him to the inhabitants and soldiers under his command, and several Gentlemen having desired this Deponent to go to the Governour and pray an Order on the said petition, or at least to know his pleasure therein, Deponent waited on H.E., explaining that the people alledged that one of the men under his command was murdered by Holder etc.; H.E. replied that he did not think fit to give an Order upon the petition, for that Holder had the greatest part of the Assembly in his interest, so that it might be against his own interest, else he would have heard the same. *Confirms preceding.* Deponent having resided in the Island above 30 years and served in several considerable posts, civil and military, never knew so great and general dissatisfaction and murmuring of the inhabitants, both rich and poor, as was when he left the Island in Sept. last. *Signed, Tho. Maycock. 7 pp.*

923. iv. Affidavit of W. Terrill, late of Barbados. *Confirms preceding. Signed, William Terrill. 4 pp.*

923. v. Affidavit of L. Row. *Confirms No. 923.i. Signed, Lawrence Row. 2 pp.*

923. vi. Affidavit of S. Martin, Commander of H.M.S. *Blackwall*. Robert Johnstowne, a friend of Governor Sir B. Granville, told him that he must make the Governor a present, if hee designed to be easy, and that everybody did it. There being intelligence of some French Guinea ships bound to Martinique, Capt. Charles Thomas, Treasurer of the Island, after having been some time with the Governor came to Deponent and told him that he had obtained leave of the Governor for deponent to cruise in the latitude of Martinique for the said ships,

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but that if he took any of them, he was to give the Governor as a present 20 of the best negros he should take. The Governor told Deponent that if he had a third shipp of war there, he knew how to employ her to his own advantage. Capt. Trotter, H.M.S. *Winchelsea*, told deponent that hee had the Governour's leave to goe to Tobago, and that he would goe. On May 22 deponent received orders from the Governor to convoy a fleet, and on May 24 another order not to faile sailing the next day, and accordingly next day being under sail, came a third order not to sail till Tuesday next, upon which he came to anchor, but a great part of the fleet pursued their voyage without convoy and several of them were taken by the French. *Signed*, Sam. Martin. $1\frac{1}{2}$ pp.

923. vii. Affidavit of Capt. Edward St. Loe, H.M.S. *Dolphin*, as to the impressing of Francis Lee (*see Nos.* 591, 885). He asked Skeene whether the Governor knew about it as he was unwilling to carry any person off the Island without the Governor's knowledge, and Skeene replied that he did know. Since his coming to town, Wm. Cleland had desired him not to mention the Governor's name as being concerned in impressing Lee, and that in such case Deponent should be made as easy as could be *etc.* *Signed*, E. St. Loe. 2 pp.

923. viii. Affidavit of Guy Ball, late of Barbados, as to his paying 200*l.* to stop the fleet. [*Duplicate of No.* 657.] *Copy.* 1 p.

923. ix. Affidavit of William Bayley and Henry Keys, mariners, as to their having to pay for a licence to sail from Barbados. [*Duplicate of No.* 658.]

923. x. Affidavit of Guy Ball, that, under the Bill for the security of the Bays, Towns etc., the Governor might and would have got at least 3,000*l.* in one year over and above the charge of doing everything required to be done by the said Bill. *Signed*, Guy Ball. $\frac{3}{4}$ p.

923. xi. Affidavit of W. Heysham to same effect as preceding. *Signed*, William Heysham. $\frac{3}{4}$ p. [*C.O.* 28, 7. *Nos.* 89-99.]

March 3.
Virginia.

924. Governor Nicholson to the Council of Trade and Plantations. I have had the honour of receiving your Lordships' letters, of June 29, about intelligence and sinking letters etc. and I hope what I did in Council thereupon will not be disapproved by your Lordships, neither what is done about your Lordships' letter of the same date concerning coin etc. I don't hear that any alteration is yet made in the Countrey, but that money goes as it did, and with humble submission to your Lordps. I think it will be most for H.M. interest and service to take no further notice of it; but I suppose that when (please God) the Assembly meets in April, they will do something in it, but if H.M. revenue of 2*s.* per hhd. etc. and Quittrents, are to be taken in

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money, according to the severall rates in the proclamation, the revenues will be diminished a sixth part, and it will be a very difficult thing in this Country to comply with taking the severall species of money at their severall weights; because very few people know them; and it will also be found very difficult to have them weigh'd, there being no Towns nor Goldsmiths in ye Country where people might know the several species and have them weigh'd. It is here generally supposed that H.M. Proclamation doth not oblige people to take peices of eight at 6s., but only that they shal not exceed that rate; and that it is chiefly designed agt. the Northern Provinces where they raise their money to what value they please. If in this country they once come to make their bargains in money, as they do in the West Indies and to the Northward, wch. will oblige them to get as much as they can, it may be prejudicial to the consumption of the English commoditys as likewise to the Tobacco trade. In one of the principal stores in the country, wch. hath been kept about three years, they deale for nothing but money, and some Merchants and Factors have talk'd to me how prejudicial it is to them; for that they were obliged to let the Planters have a good deal of money in order to put off their goods etc., or else they would all have gone to the other store, which is owned to belong to Col. Ludwell, and Mr. Blair's brother, and it is supposed that Mr. Blair has a share in it now, or at least had when it was first set up. If the Planters can be furnished at such stores with money for their Tobacco, no doubt they will sell it to them in order to get money to pay the Quittrents, as likewise the Mrs. of ships, etc. for the duty of their Tobacco, and likewise to defray other necessary charges and expences. I have also received your Lordships' letter of July 13, and Aug. 24 and 25, and your Lordships may be pleased to see in the Journal of Councill what is done thereon. I have as yet no return concerning pitch and tarr, nor can expect any till the General Court or Assembly. H.M. commands in relation to H.M. and the Lord High Admiral's shares of prizes I have and shall (according to my duty) take care of, as likewise H.M. additional Instruction concerning the Acts of Trade etc., and when your Lordships are pleased to send the copies of the Commissions and Instructions about privateers the same shall be done by them. I transmitt several proceedings concerning the sloop *Seaflower* (a privateer) one Captain Tongreton Commander, who was cast away on this coast in a storme last November. According to your Lordships' letter of Aug. 25, a solemn and publick day of thanksgiving hath been kept in this H.M. Colony and Dominion, and I send the copy of my Proclamation for it, and hope what I have done therein will not be disapproved of by your Lordships. I endeavoured to keep it with as much ceremony etc. as the Country and time of the year would admitt of. I kept it in the College for which I may chance to be accused by the titular President thereof. Blair, and all that he accuses me of concerning it (except what I will justify) I hope the Records thereof will make appear to be quite otherwise. I hop'd that I should have been able to have given your Lordps.

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a particular answer concerning the College etc., but that I could not have a General Meeting as your Lordships will see by the paper signed by the Rector and seven more of the Governors etc. I beg leave to observe to your Lordships how very loath any of these Sparks are to have the Records etc. produced for my justification etc., or to have anything come to a publick hearing in order to clear myself, as will appear by their proceedings at last Council Feb. 8, 9, and 10; for whatever they were before, I suppose they are now convinced that the Records and my Commission etc. will not only clear me, but make them appear to be a very strange sort of men. One instance of which I here presume to send, concerning Col. Lightfoot, and Coll. Carter, about the affair of John Lewis Esq. being sworne of the Council. *Refers to enclosures.* But these are but some of the characters they have in the country, only I was willing your Lordships might have a specimen of them. These gentlemen I think will stick at nothing to obtain their inveterate malice and revenge agt. me, and they have little or no regard either to what they sign or say, if they think it will any way tend to my prejudice, or vindicate or give a high character of themselves. When I show'd them H.M. Commission about appointing Councelors, they seem'd surprized at it, and I suppose thought that I was not to nominate any Councelor without their advice and consent, and I think Col. Carter said, that if a generall question had been ask'd them concerning the nomination of a Councelor, perhaps they might have named some other person, or words to that effect. I suppose if it was left to the Council to elect others, it would be managed after ye same way as they do the vestrys of this country, that is, when a family or a party are the major part, they still keep it up by electing who they think proper. I must here own and confess that I committed a very great error in recommending so many of a family to be of the Council: but I can safely swear it, if necessary, that I did it with no other design than that I thought it might be for the interest of the Crown of England, and likewise of the Country, and according to the saying, Mankind is subject to error, so I acknowledge it to be one of the weakest of them. If the two Collonels, Lightfoot and Carter, would but have given themselves the trouble of examining the Council Records which were in the same room (for the Clerk did but just turn himself about and reach'd the Book) they might have seen that what they have asserted was otherwise: but I suppose they had concerted that affair of opposing what in them lay Mr. Lewis's being sworne of the Council, not that they had anything to object against him, for that question was put to them, but to have gain'd the point of being Electors, and thereby have got in one that might have made their party always the major part, so that they might either have obliged the Governor to have done what they pleased, or to have hindered all business, or else to have complained agt. him. Col. Carter's affirming that Col. Wormeley told him, after October General Court, 1698, about his being sent for to be made a Councelor, when it appears by the Council Books that he was dead July 8

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before, is very strange ; and may be if a Grub Street writer had but an account of it, we might have a Ballad of Col. Wormcley's appearing and discoursing with him alone three moneths after he was dead. By these gentlemen's actions in this affair I hope it will appear to your Lordships how little credit is to be given to the Petition and Memorial they have signed, which I hope to prove by Records they have as foully mistaken (to give it no worse an epithete) and that in most of the Articles thereof. Col. Dudley Diggs told me that he would write to Sir Jeffrey Jeffreys, and desire him to wait upon your Lordships concerning his being of the Council. I find by him that being he was only left out of the Council by reason that the Instructions were filled up before Sir Edmund Andros's account of his being appointed went home, and not for any misdemeanour of his, he hopes he may be restored into that station in the Council, wherein he was before ; which if not approved of, I find he is not willing to be sworne, and this is the true reason, and not that he is unwilling to be one, during my Government. I hear from England that 'tis reported there that some of the Council had desired their Correspondents to get them their Quietus : I suppose those gentlemen may be Col. Harrison, his son-in-law, Col. Ludwell and may be Col. Carter, but I question whether his Honr. Col. Lightfoot will desire it. I suppose the true reasons they would be left out of the Council for are because they cannot be absolute Lords there, and that they did not get me turn'd out of the Government upon their Memorial etc. and that they are asham'd to appear in Council, Assembly or Generall Court ; for in all these places are Records that will prove to the contrary of what they have accused me of etc. ; but if this should be granted them, I believe that neither H.M. interest and service, nor that of the Country will suffer much for want of their advice and assistance, neither that they will be able to make any more disturbance or disquietness in the country, but rather otherwise, for then they will want their darling power, by which they endeavour to do it. I have an account that Col. William Basset is one that hath desired to lay down, if so, I'm heartily sorry for it, for I should not do him justice if I did not give this testimony of him, that he is a good and honest gentleman in all respects, both in relation to H.M. interest and service and likewise the country's, and that particularly in this affair concerning myself it appears to me that he hath acted like a gentleman and a man of honour, tho' I am made sensible both by himself and others, that he hath mett with but indifferent sort of usage from some of his Lady's relations. I had some difficulty in getting him to consent to be of the Council, but he made me promise him that whenever I left the Government I would endeavour to get him his Quietus. Col. Diggs likewise told me that he would give Sir Jeffrey Jeffreys an account with orders to communicate it to your Lordships, what discourse Mr. Benjamin Harrison had with him after that his father-in-law, Major Burwell, had marryed Mr. Secretary Cole's widow (in the time of Sir Edmund Andros's Government), who was mother-in-law to Col. Diggs's Lady. I think it was to this effect, to

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perswade Col. Diggs, now they were related and a numerous family, to joine with them, and they would carry everything. Another thing was of young Col. Ludwell's talking with him, I think about the memorial they signed, and would have endeavored to have got him to have sign'd it too, and I heard they endeavour'd to have got Col. Byrd and Col. Jennings to have done the same, and I suppose that they used all ways and means possible to have perswaded them and others also either to have signed that memorial or some other papers agt. me, and no doubt they have taken the same methods to get people now to sign papers or make affidavits agt. me ; which if they have done and lay them before your Lordps., I hope that your Lordps. will not give entire credit to them, and that I may have ye same justice concerning them as her most Sacred Majesty hath been graciously pleased to allow me about the other. I am sensible that they have been endeavouring what in them lay to accomplish these things ; but by what lawfull authority they can goe about to get people to sign papers or to make affidavits concerning me, I must confess I am ignorant of. With humble submission to your Lordps. I think that I offered them very fair about taking depositions etc. and I am in hopes that what I have done therein your Lordps. may please to see in the Journal of the Council and will not be dissatisfied therewith. The methods that they proposed I think will appear to be very extraordinary : but I suppose that in that as well as a great many other things they servilely took the same methods as old Ludwell and parson Fouace did in their answer to Mr. Thraile etc., but no doubt the rest of the Affidavit sparks help'd to contrive that answer etc. When I had read the proposal they made after they named the Commissioners, I think I told them that they need not have named so many, for it plainly appeared they intended to make use of but one or two of the sd. Gentlemen, (and may be they would not have found above that number that would have complied with their designs), because they desired that power might be given to them to take the Affidavit of any person, tho' living in another county ; upon which they seem'd to be concerned, I suppose because I had hitt upon their design, and then they went about drawing their explanatory answer, wch. I think they were about an hour in drawing, and Col. Ludwell took upon him to be the scribe ; before they had finished it, they made a great many alterations, and I found that at first they could hardly agree on any answer, or the propositions made by them at that meeting of the Council, and your Lordps. may observe that Col. Harrison did not sign the other three Gentlemen's proposition, but made one of his own : and I fancy that if ever they came to be examin'd apart concerning the petition and Memorial they will not agree, as likewise what they have jointly done since. I was told by one of the Gentlemen of the Council, that discoursing among themselves they seem'd not to agree about the several articles charged against me in the Memorall, and I conjecture that they did not sign that Memorial which Mr. Blair presented, but rather that every one signed a particuar grievance, and so might impower him to draw

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up a general one. Your Lordps. may see that they refused to swear to the Memorial, and by what I could observe by them, they will not each of them pretend to make out the several articles of the said Memorial, but would pretend to do it separately. If they all signed that Memorial in this Country, I humbly conceive that every one of them stands accountable for making of it all out, which if they will not pretend to do, then I hope little or no credit will be given to it ; nay rather none at all, except they will swear to it. If they all signed the Memorial here, or Mr. Blair did it for them in England, I suppose it might be to make it as an act of the major part of the Council (whereof three was Col. Harrison and his two sons-in-law Blair and Ludwell) or of the Council in Assembly, or of the General Court, but how this can be a legal act in any of their capacitys, or at least a justifiable one, I confess I don't apprehend ; but I can, the very ill consequences that may follow if such things are allowed of. The proposition that I made to the Memorial gentlemen in the country that if the[y] would make me any reasonable satisfaction I would forgive them, they have been so far from accepting, or making the least step that way, that they have done quite otherwise ; and I was told by one of the Gentlemen of the Council that at the last meeting when the Journals of Council were read over, when that part came to be read, they scoffed and disdainfully laught at it, and I heare that they have lately had a great Matchicomico (as we call it in this country, that is an Indian Meeting) at Major Burwell's, where they were close for two or three days, two or three clerks awriting, besides their cheif scribe Ben. Harrison. I do expect that they have not only endeavored to clear themselves in what they have done, but likewise make new accusations etc. agt. me : But my humble request to your Lordps. is, that I may have the same Justice in relation to them as I have beg'd before. Mr. Harrison the two sessions of Assembly wherein he has been a Burgess accused me of most of the things in the Memorial etc., and by what I have heard all of them used what interest, power and authority they had to have got the Assembly to have been of their minds : but I thank God they failed and I hope they will still ; for they had not above 11 or 12 that were not agt. them, and some of those Gentlemen I suppose will hardly be perswaded to joine with them in any Address or Remonstrance against me, of that number there were the two Harrisons and their brother-in-law Edwards, and a kinsman ; but I have show'd no resentment agt. those that they led astray. I hear they have likewise reported in England that if I continued Governor, a great many of the principle inhabitants would leave the Country, but this I fancy will be as untrue as some of the other assertions : but I find if anybody leave the country let it be on what account soever they will insinuate as if it was to avoid my arbitrary etc. Government, and if they arrive in England, then that they are providentially there. I confess that had not these Sparks sworn so thoroughly agt. me, and that so palpably against Records, and what they must needs know themselves to be false, I should not have admired at that assertion ; I don't in the least pretend

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to be a casuist ; but I don't see how it can be said that they were providentially (according to the usual acceptation of the word) in London, except it be that by Providence they were alive, and not cutt off by the hand of Justice, or at least at liberty. For it can be proved that Mr. Fouace had talked of going for England a year or two before he did ; he was commonly sick once a year in the seasoning time, and then I suppose the fear of death made him talk always of going for England ; but that Frenchman's affidavit, I shall, God willing, answer, as likewise give a true character of the Spark and not by hearsay, or a notional one. Wallace went as chaplain to H.M.S. *Southampton*, and he got leave of his parish to go for Europe upon his saying that he received a letter from Scotland that either his Father or Mother, (or both of them) could not dy till they had seen him ; that Spark's affidavit I shall likewise (God willing) endeavour to answer, as likewise give him a character that same way : but with humble submission I think his behaviour since he came in, hath been very extraordinary, and that he hath made a very ill use of your Lordps.' letter of Aug. 17, and my Lord Bishop of London's letters to me in his behalf, the whole proceedings your Lordps. will see in the Journal of the Council ; he was one at the meeting at Major Burwell's, the rest were the Cols. Lightfoot, Carter and Ludwell, and Capt. Berkley, but whether he join'd with them or not, I can't tell ; For what is done concerning him on your Lordps.' letter of Aug. 17, I refer your Lordships to the Journal of Council ; and if Major Burwell doth join with them, I hope little or no credit will be given to either of these Gentlemen ; for I think I have enough to make them both appear very strange sort of men, and surely they have no reason now to endeavour my ruine etc. for the first hath got the gentlewoman, and they may both be at quiet, if they please. I think, while I courted Major Burwell's daughter, I did not put him to 5*l.* charge, but one way or other it hath cost me as many hundreds : his eldest son Mr. Nathaniel went for England in the last fleet and may be the Affidavit Sparks have endeavored to draw him in, or at least will say that he was forced to fly from my Fury etc., if his Father would have taken my advice and let him have gone for England two or three years agoe, it would have been much better for him, and it would have remedied a misfortune that hath since happened to him. There went also in the last Fleet one Pratt, a Caledonian and great man with them, he hath of late set up for a sort of a Factor-merchant, but his ill character is sufficiently known in this country, and he is supposed to have had a hand in murdering two persons, one whereof was lately. What Mr. Robert Beverley lately went to England for, your Lordps. know very well, and some part of his character your Lordps. have seen by what I sent your Lordps. last October, and his affidavit I shal (God willing) also answer. Capt. Moody went for England with his ship by order of H.R.H., and his affidavit I shal also (God willing) endeavor to answer. What a very ill character he had here, and how he acted will appear by the grievance of Elizabeth City County, and the depositions taken thereupon, as likewise those

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taken about his strange actions at York : and how he behaved himself the latter part of his time here your Lordps. have had an account, both by the Journals of Council and what I presumed to write to your Lordps. As for Esq. Luke, he pretends to have got leave (according to his desire) from the Commissioners of the Customes, for his going for England, and I have already writ your Lordps. something about him : but I shal endeavor, God willing, to answer his diminutive Affidavit. The rest of the gentlemen and people of this country, could not foresee that the Gentlemen, who signed the Petition and Memorial, would have asserted, as they have done, that the better part of H.M. good and loyal subjects of this Colony were of the same sentiments with them, and that the turning me out would be to the unspeakable satisfaction of all H.M. subjects of this Colony ; if they had, I suppose they would have declared against it, nor will they be of the opinion that the Council's Memorial is of such validity as to require no further proof besides their own representation as being the major part of the Council ; which if it should be allowed of, I suppose they would think themselves in the most unhappy circumstances as ever Englishmen were, that half a dozen men should take upon them in so solemn a manner to petition her most sacred Majesty, and likewise sign a Memorial, and bring them in as partys, and may be they will have ye same sentiments of Col. Ludwell, senior, and Mr. Fouace their reply, wherein they so barbarously and basely reflect on all the country, but their own little factious party, by insinuating that they had rather bear ill usage so long as it was any way tollerable than seek to have redress of their complaints, and that they insinuate if I am not turned out of my Government, that they could not undertake to describe the effects of such a despair ; and they would likewise insinuate as if that which bears up their spirits under all their heavy customs on their commoditys and restraints in point of trade, is that they have the happiness of enjoying the English laws and Constitutions etc. And further to illustrate this after their own way, they say, " if I be suffered to break in upon them in this tender point, and to treat them with the arbitrariness of France, and the insolence of Morrocco etc., it is not to be imagined how it will go down with Englishmen etc., for the least that could be expected is that men of substance, if they found no redress would remove themselves and their effects out of the Colony to any other part of the world where they may enjoy peace and quietness." With humble submission I think this is a much higher reflection upon the laws of my native country, old England, than upon me, for I had no active hand in the making any of those laws. I cannot in the least find that the people are in any sort of despair, or that they think themselves so treated, for no doubt, if they had, the Assembly would have done by me, as they did by one of my predecessors, against whom this same Ludwell exhibited complaints to his late Majesty King James ; and this the Assembly did in his reign before they heard anything of the Revolution, and the Governor they so attacked was a nobleman of one of the greatest families in England, and a Peer

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of the Realm, and surely if they in such circumstances complained against their Governor, they would much more do so now if they had just occasion. And both the Memorial gentlemen and some of these Affidavit-men do affirm that I had disoblighd the country by having frequent Assemblies, and exasperated them by my treatment etc., and if so 'tis strange that they would be so far from complaining that they have been pleased to do otherwise by their Addresses. The people have opportunities according to the laws and customes of the country, before every Sessions of Assembly, to make their grievances and propositions, and I defy them to prove that ever there was one grievance made directly against me by the generality of the Countys. There was never but twice that there was a sort of grievance or proposition concerning what I had done about probates, and the exercising of the Militia, and those were not from above two or three Countys. That concerning the Militia I made an answer to the Assembly which your Lordps. have received; And as for the affair of the Probates etc. I think it will appear by the Records that all the parts of it are false except my not signing of them as I did; but I hope (God willing) to set that affair in a true light, as likewise that of the other accusations. I find that by the course of their Memorial and affidavits, that when there was such a thing in nature, then they have charged me with maladministration of it, and endeavoured to turn it their own way, and that with all the artifice imaginable; for I think it plainly appears by the stile and method of them, that one man (I suppose Mr. Blair) was the contriver, but in his further affidavit, I think he has outdone himself by endeavouring to sett off his matter of fact with all the tropes, figures and flowers of his rhetorick, by doing of which God Almighty has been pleased so to order it (for which I hope I shall ever be thankfull) that instead of making matter of fact, as it ought to be, plain and natural, both the unfairness and contradiction in a great part of that affidavit is made more perspicuous, the several paragraphs contradicting one another, nay in ye two last the same paragraph contradicts itself. I find that he hath not only sworn through deal boards and brick walls, but even to my very thoughts and imaginations. This Col. Ludwell is so well known to be of a factious, turbulent and unquiet temper in all Governments, that I hope little or no credit will be given to him, and may be it is his fate to dy as he hath lived, and if his son the young Coll. survives him, he will be old Col. Ludwell, especially if he continues to be under the tutorage of his two brothers-in-law, Blair and Harrison. That I have treated the Gentlemen and others of the country with the arbitrariness of France and insolence of Morocco, I am ignorant of; but may be Fouace hath in some measure done it in this country, as I suppose will be made appear, and how he comes to stile himself so aptly an Englishman, I can't tell; for sure it is none of his Mother-Country. About men of substance removing etc. I have endeavoured to answer before; but how they will contrive to remove their effects out of the country, I suppose is more than he and all the rest of the politicians can

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invent a way to do, if any number should leave the country ; but I find if any of them doth it, they don't care into what part of the world it be, if they can but have peace and quietness ; which I think plainly insinuates as if they did not design to remove to old England, for they have reflected upon the laws etc. thereof. They may for ought I see to ye contrary even remove into France, and who knows but that Fouace is a making his peace with old French Monarch by reconciling himself to him, tho' not with the heads, yet with the persons and estates of these men ; but if they should desire to go to my old Master the Emperor of Morrocco's country, there I'll endeavour to recommend them, and give them some general directions how they may behave themselves, either by turning Moors or Jews ; by the first to enjoy the liberties and priviledges of that country, weh. may suite with some of their tempers ; but those that are covetous and would be rich (but withal little better than slaves) must turn Jews ; and may be, if Blair and Fouace went thither, they would quarrell which should be the cheif Favorite in that Court, as likewise who should get ye most money, and it is no matter by what ways and means. These two Sparks I think have offered to your Lordps. a proposition that sutes very well with the arbitrariness of France and the insolence of Morrocco, viz. "that if your Lordps. are already satisfied with the proofs laid before you being by attestation of the major part of the Council, and affirmative affidavits of persons providentially here in town, weh. can never be invalidated by any future negative ones," for this would be a way that all persons that were accused either by attestation or evidences (which how they came to be providentially in town I have already endeavoured to answer) tho' it were for high treason, yet they must be condemned unheard, and all Defendants would have the same fate ; sure these Sparks know none of the laws of England, especially those made of late in favour of the subject, weh. are so far from having them condemned without being heard, that they have Council allowed them, and if they had but read severall trials and cases, they might have found that the partys, who have been sworne against, have not only been acquitted, but the evidences agt. them have been prosecuted for perjury, and that done by command from the King to his Attorney General ; and I suppose, if they consult the Gentlemen of the long Robe, they can tell them, that there are severe Laws agt. defaming and slandering of any person, either by writing or speaking, but I think they are in the right when they say that the way they before offered would save abundance of time, charge, trouble and danger, weh. would ensue upon delays, weh. no doubt they were too sensible would happen to them when any answer shall be made by me to their Memorial and Affidavits. But I find that they can't long stick to truth and avoid their reflections ; for they insinuate as if there was a great deal more proof to be had in Virginia, if a way could be found to take it impartially ; but then these cautious men, or rather calumniators, represent to your Lordps. "that the influence of a Governor, while in ye actual possession, or

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administration of his Government, will be so great both on Judges and witnesses etc. partly by the multitude of places etc. if they favour him in the trial etc." To which I humbly offer that their insinuation about having more prooff, I hope will prove otherwise; and in the other part they most highly reflected on the rest of the Gentlemen and people of the Country; but I suppose according to the English saying, they measure other people's corn by their bushell, by thinking that they would be partial witnesses like themselves, and if these Gentlemen were judges, they would be ye same. As for their insinuation of my influence by reason of multitude of places etc. I can safely swear it, that both the times that I have been Governor here, as likewise in Maryland, (in wch. time I confess I have had the disposal of a great many offices and employments and some of them considerable ones) I always gave them to people that I thought were loyal and well qualified to execute them, but I confess that when my friends were so qualified, I gave to them before others, (wch. I hope was no crime in me) but I never directly nor indirectly had one penny for giving them, nor had any allowance from them, or part of their sallarys and perquisites, and never expected or had from them on any accot. whatsoever any impartial justice or favours. Mr. Blair I hear has endeavored to make great use of a letter wch. I writt to Mr. Micajah Perry giving him orders to pay money etc. I have now sent Mr. Perry I think a copy of that letter, for I keep cyps of all the letters I write, and if your Lordps. have a mind to see any letters that I have written to Mr. Perry, if he makes any scruple of showing them, I will (if your Lordps. command me) send you the cyps of them, and not only of that, but any other, and I heartily wish that your Lordps. would have been pleased to have sent me what Mr. Blair gave to your Lordps. on that subject. I suppose he would insinuate as if I had or design'd to bribe several Gentlemen in the offices etc. I can safely swear it, that tho' I have had the good fortune and honor to have several employments in my life time, yet I neither directly nor indirectly gave one farthing for obtaining them, or afterwards to any person whatsoever for keeping of them, or for endeavouring to conceal any accusation etc. agt. me, or not to discover or make publick any ill thing that I had done. I hope that my paying the necessary[s] fees, and endeavouring to gratify those that have solicited the dispatch of my Commission, Instructions etc. after they were granted, will not be accounted Bribery, nor that it is not Lawfull for me to desire and employ persons to be aiding and assisting to make my defence, when I am likely to be, or am accused. I have now given Sir Thomas Frankland Bart. a genll. letter of credit on Mr. Perry; for I have desired him to employ who he thinks proper, in order to my justification before your Lordps., and if you please to see that, I hope he will shew it your Lordps., as likewise how he disposes of the money he makes use of on that letter. I hear they brag that they have a Bank to manage this affair agt. me etc., and therefore I hope your Lordps. will be pleased, if you think proper, to know the truth thereof, for I hope they will not be

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ashamed to own what they do in it, but may be if Mr. Blair hath the disposal of it, he will make such accot. to them as he did to the Assembly and me, and expect a reward besides if he accomplishes the business. I am very willing that Mr. Perry should shew you all my accots., and your Lordps. might see by them that Mr. Blair had of him when he first went for England 460*l.* of my money, which I lent him to manage the affair of the College, the Country repaid me 360*l.* without any interest or gratification. And in all Mr. Blair's accot. which he made up with the Country (copies whereof I send to Sir T. Frankland as likewise several other things if your Lordps. have a mind to see them) it will appear that there are several articles of gratuities given at the several offices and to several persons, wch. I now question whether he gave all that money, and if he did, may be it will not be accounted Bribery because it was given by himself; and the articles he charges for himself were always thought very extravagant and ridiculous, but yet the Country allowed them, and gave him 250*l.* besides, and may be, had it not been out of respect to me, the Assembly would not have done so. When he was in England before this I gave him a general letter of credit on Mr. Perry, and I hope your Lordps. will call for a copy of it, and that Mr. Perry will deliver it, upon which letter of credit he had 400 and odd pounds. The copy of his accot. to me I send Sir Thomas, in which there are some articles charged given to officers etc., and I also now question whether he really paid all that money. One article he charges me 200*l.* for his being in England, and I have been told that besides all this he expected I should have given him at least 500*l.*, for he pretended he had got me so much by getting my Commission, but especially my Instructions dispatched; he never told me that he expected 500*l.*, but he told me that when he went for Scotland he left the affairs of my Commission to the management of his Brother Harrison, but when he return'd back, he found he had done little or nothing in it, tho' I find by my account that Mr. Harrison had 160 odd pounds for getting the Commission etc. past, but that he never gave any particular account how he disposed of it. Mr. Blair told me that my Instructions were drawn for H.M. to sign, who was then in Flanders, upon which he acquainted Mr. Secretary Vernon with it, that it would be a great delay etc. to have them sent over; upon which Mr. Secretary Vernon very readily went with him to his office, and ordered them immediately to be transcribed for their Excellencys the Lord Justices signing. This I suppose Mr. Secretary Vernon did, not out of any particular respect for him, for he had not known him long, but for H.M. service; he did insinuate that if this had not been done, I should not have had the Instructions in some moneths, and so could not have taken possession of this Government, by doing of which sooner, I got 500*l.*, it might have been so, if I had had any profit by the Government of Maryland after I had this, of which I had none; for your Lordps. know that the sallary there depends upon the annual shipping etc. I find Mr. Blair from the very first thought that I had not been

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kind enough to him, wch. I thought I had, and even in that affair about the Commission etc., if which and the Instructions were not sooner dispatched, I think it was his fault (but he served me in that as he did when he was in England before, that is, minded his own business and neglected mine) for after his Majesty had been pleased to nominate me to be Governor, he went for Scotland where I hear he brag'd of his having turn'd out Sir Edmund and put me in ; and then he gave me the character of one of the best men and Governors in the world. But I suppose he had no mind my Instructions should be dispatch'd till he had made that Triumphal Journey, and I suppose the cheif reason why he pressed the dispatch of them at his return was because the ships were then dispatching to come hither, so that he might bring them, without which may be he would not have ventured to have come. Nay, I question if the Governor had not been changed, whether he would ever have returned. But for the procuring of my Commission and Instructions, and dispatch thereof, I did and do still look upon myself to be highly obliged to your Lordps., tho' he and Ben Harrison have had ye vanity to say that it was through their means and interest that I got the Governmt., and that Sir Edmd. was turned out. Nay, Mr. Blair says, I ow the Government of Maryland to him, and they gave it out before Blair went, and after he was gone, that they would turn me out of the Government. I have desired Col. Blakiston to give your Lordps. an account what discourse Mr. Blair and others had with him in this Country about their designs of turning me out, and proffering to get the Government for him ; and I hope he will please to do it. Mr. Blair and his little Faction now set up to have the power and interest of turning out and putting in Governors, and affect the title that the great Earl of Warwick had. I suppose that the Country will think themselves very unfortunate when it shall be in the power of him and his Scotch Faction, or in two or three familys ; nay even in almost half the Country to turn out and put in Governors ; this is a notion that the people generally have, (and first divulged by themselves) for that would be as it were entailing the Government upon a certain faction etc., which I think would be dangerous to the interest and service of the Crown of England as likewise of this Country ; for I suppose if anything could exasperate them, it would be to find themselves under the power, Dominion or Government of a party of their own country : for this generation knows too well from whence they came, and the ordinary sort of Planters that have land of their own, tho' not much, look upon themselves to be as good as the best of them ; for he knows, at least has heard, from whence these mighty Dons derive their originals, either as from themselves or at farthest their fathers, but very few their Grandfathers ; and that he or his ancestors were their equals if not superiours ; and that their getting such estates and places of honour is more by accident than any extraordinary honesty or ability in them. Your Lordps. may see by Mr. Perry's acct. that I have got no great estate by these Governments ; but I thank God for what I have, and I am

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contented, and I hope, as it is honestly got, it will (tho' but in an ordinary capacity) last me my life. Mr. Blair in his affidavit says that he heard me say, (upon an occasion of a report that my Lord Portmore had an offer of the Government of Virginia) that "such reports did highly touch the peace of this H.M. Government"; and at another time he heard me say in Council "I would spend the last penny of my estate and the last drop of my blood before I lost the Government." I think what I said concerning my Lord Portmore etc. was justifiable, whether I [*said*] the words that Mr. Blair swears I can't tell, but they had industriously spread it in the Country that a Scotch nobleman was to come Governor etc. The last part he would insinuate as if said upon ye report of the Lord Portmore's coming, and that I would not surrender the Government: but these are like the rest of his untrue insinuations etc. I own that I have several times used that expression, and with submission I think I might lawfully and honestly say so then, and now too; for I found that they endeavoured by all ways and means possible to get me turn'd out of the Government, and that it should be by their false and malicious insinuations of my mal-administration, on which account I was not conscious that I had deserved to lose the Government, and that wch. induced me to believe so was because your Lordps. had all along been pleased to approve of my actions, wherefore I did think myself obliged by all the Laws of God, nature and man to endeavour by all lawfull ways and means to clear myself of what they had or should lay to my charge, as also to vindicate my honesty, honour and reputation, and if absolutely necessary so to do, to spend ye last penny of my estate, and ye last drop of my blood, for I value these above my estate and equal to my Life. In the aforementioned paragraph of their Reply, they further insinuate that Judges and witnesses must expect certain ruin if they did otherwise than favour me, and I lived to outweather the storme, and keep the Government, and that there's little hope of having any fair examination that way unless the administration of the Government in the meantime be taken out of my hands, and I myself called home to answer. The last I take to be (as wee call it) the burden of their song, for that's what they would have. That of my ruining people or intending to do so, I find has been a mighty Topick with them, and they have made use of it on all occasions; but I defy them legally to prove any one instance thereof. But some of them know by experience that I have been very instrumental both in their getting their estates and preferments, as likewise several other of their relations and friends; but all these things are forgot, and they have made my accot. all on the Debtor's side, but I will endeavour not only to give myself Credit, but to make them the Debtors, but may be these Sparks have been Huskanar'd, wch. is a way the Indians always used when the young men were initiated into their manhood; they were kept in dark swamps in the woods and there physick'd and disciplin'd and underwent [*these*] severities, wch. I suppose was to prepare them to endure tortures and hardships; and after they came out,

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they would not own that they had seen or been acquainted with anybody, tho' they had before been never so familiar with them and obliged by them, and when the English ask'd them about it, and seem'd much amaz'd at it, the answer they made was that they had been Huskanar'd, and so had forgot everything. I suppose it might be that they were to forget all childish actions etc.; they have a way among the Moors in Barbary, that till their youth come to a certain age they hardly so much as wear a cap, much less a Turbant, and so are look'd upon as not qualified for any employment etc. till they have [*? put on*] their cap or turbant etc. I am now beholden to these Sparks for owning that they either had a design agt. my life, or that [*they*] hoped I should not live, and that they have own'd they had raised a storme agt. me, or rather a hurricane. Sure they h'an't been in Lapland, and there bought this storme etc.; but if they have, they may chance to have the same ill luck with it as I have heard of some people that have bought winds and tyed them up in handkerchers or napkins, and thought themselves so safe and sure that when they have as it were *providentially* got into their port or harbour no *negative* storms or winds could invalidate those that brought them thither, yet presuming too much upon their own security, have by letting loose the other winds etc. been forced out of harbour etc. Their insinuation about not having fair examinations is like their others, as likewise those in the last paragraph that I am a furious and revengefull man, and threaten the ruin of all etc., and that I would have no mercy etc. agt. those witnesses that shal appear agt. me. This concerning myself I have endeavoured to answer before; but to close up their Reply, they positively affirm that the witnesses will ly under the fatal necessity either of venturing their utter ruine by telling the truth, or of forfeiting their honour and good conscience by concealing it; which I think doth clearly demonstrate what a most damnable and malicious character they would fix upon the people of this Country. I hope in God that all or most of these accusations and characters will appear to be quite otherwise, when the people in their several publick capacities do meet; And one instance thereof I hope will give your Lordps. satisfaction, vizt. the Remonstrance of the Revd. Clergy of this Colony etc. Your Lordps. will find that four of the gentlemen that sign'd the Address to H.M. did not sign the rest, vizt. Mr. John Monro (who married Mr. Blair's sister), Mr. George Robertson, who is their countryman, and likewise Mr. John Shropshire, but there are several of the clergy that are both Scotch and French that have signed. I writt to the rest to be there (except Mr. Andrews who lives on the Eastern shore, and could not conveniently come) but Mr. James Clark who was not then well and lives in Gloucester, signed them afterwards as I suppose the rest will doe, vizt. Mr. Peter Kippax, Mr. Smith and Mr. Brichen, but I am not certain whether Mr. Anderson will or not, he, Mr. Kippax and Mr. Smith made excuse as being sick. And I herewith also humbly transmit to your Lordps. two of Sir E. Northey's Reports etc. I think it would be most for H.M. interest and service, and likewise that

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of ye Country, that this business be made as publick as possible and the evidences taken in the Generall Court, where all partys may ask what questions they please etc., or that H.M. would order both the Memorial Gentlemen and the Affidavit Sparks with myself to appear before H.M., and give security to abide what H.M. shall be graciously pleased to determine, but whether her most sacred Majesty be pleased to order it to be done either these ways or any other, I shall (as in the highest duty and gratitude bound) obey H.M. royal commands therein. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 2nd, Read May 31st, 1705. 11 large closely written pp. *Enclosed*,

924. i. Remonstrance from the Clergy of Virginia to the Council of Trade and Plantations. We deny that the country is disturbed or dissatisfied with Governor Nicholson, and disclaim Mr. Blair's complaints etc. *Signed*, Jacob Ware, Edward Portlock, Guy Smith, Solomon Whately, Ralph Bowker, Richard Squire, Wm. Rudd, John Carnegie, James Burtell, Emmanuel Jones, Thomas Sharpe, And. Monro, Dan. Taylor, Philippe de Richebourg (Manikan Town), Owen Jones, Tho. Edwards, James Boisseau, Lewis Latane, Bartho. Yates, Sam. Gray, Arthur Tillyard, Wm. Williams, Ja. Clack, Peter Wagener, Isaac Grace. *Endorsed*, Recd. May 2, 1703. 2 large pp.

924. ii. Copies of Addresses from the Clergy of Virginia to the Queen upon the late Victory; to the Archbishop of Canterbury and the Bishop of London; and to Governor Nicholson, in his favour. *Signed as preceding*, with additional names to the Address to H.M.:—Geo. Robertson, Jno. Monro, Ja. Wallace and St. John Shropshire. *Endorsed as preceding*. 4 pp.

924. iii. (a) Copies of two Reports from Sir E. Northey, April 7, 1702, and July 29, 1703, relating to the Clergy of Virginia. 6 pp.

(b) Memorandum by Governor Nicholson. Mr. Blair in his affidavit charges me with having totally neglected inductions of ministers, whereas I have used all the lawful ways and means for having them inducted etc. He was made President of the College upon my getting the Assembly to name him, for which he hath had 1,432*l.* 10*s.* and may be hath not done 200*l.* worth of service or good to it. I believe he and his family turned my enemies because I would not turn out the Secretary and Auditor and put his relations in etc. etc. *Refers* to Mr. Luke and Robert Beverley etc. Since I was about 11 I have served for my bread, and I have got it not only by the sweat of my brow, but of my whole body, beside the labour of my mind. . . . The Memorial and Affidavit are part false, part scandalous and part malicious.—Mr. Blair and others have forgot to give me credit for the money etc. they have had of me. I hear his own brother said that his memory failed him

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about what he swore concerning his scholars barring out *etc.*, and his countryman, Dr. Bill, whom he brought over with him, says he is Hypercondroicall, fancies strange things about being in fear of his life. In his funeral oration on King William he reflected upon King Charles II and especially on King James. Upon which Mr. Alexander Walker, a minister now in England and one of his associates, left the College Hall. [*In his oration*] he did me great honour in bringing me among crowned heads, but I suppose it was with this design (for there never was a greater concourse of people at one time, may be, seen in Virginia) to make them out of love with Crowned heads and their Governors, especially being King William was dead. When I taxed him about it two or three days afterwards, he writt that he would justify it and send a copy to the Archbishop of Canterbury and the Bishop of London *etc.* I should be very glad to find that he hath sent a true copy, so that it might be seen he had the assurance to reflect upon what I had ordered to be put upon the Capitole, which was done in cutt bricks, and first showed on the day that I proclaimed her Majesty; at top there was cut the Sun,¹ Moon and the planet Jupiter, and underneath HER MAJESTY QUEEN ANNE HER ROYALL CAPITOLL. He said that in Chelsea College it was mentioned that it was begun in King Charles II's time, continued in King James's and finished in King William's; in whose time there was nothing of the Capitoll done but the foundation; he taxed me with flattery, that I did it to make my Court to H.M., as if I had never done it before, but I put him in mind that he knew to the contrary. (*Refers* to his Instructions to Blair in 1691 and 1697.) I have often heard him speak against the Act of 7 and 8 William III. concerning the Plantation trade, wch. in these parts commonly goes by the name of the Scotch Act, *as that* "when such Acts were made, there was no regard had to equity, but that interest and partiality," or words to that effect, "were commonly the causes." *Signed*, Fr. Nicholson. *Endorsed*, Recd. May 2, 1705. 6 pp.

924. iv. Certificate of the Rector and 7 of the Trustees and Governors of William and Mary College as to Gov. Nicholson presenting papers *etc.* to justify himself from the charges against him relating to the College. Feb. 23, 1704(5). *Signed*, Miles Cary, Rector, Wm. Randolph, Ar. Allen, Tho. Barbar, Dudley Diggs, Guy Smith, Cler., Peter Beverley, Wm. Buckner. *Endorsed as preceding*. 1 p.
924. v. Copy of Minutes of Council of Virginia, 1691, 1696, 1699, 1704, relating to Col. Lightfoot and Col. Carter and their asserting things found otherwise by the Journal of Council *etc.* *Endorsed as preceding*. 6½ pp.

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924. vi. Transcript of Letters, Orders of Council *etc.* relating to Capt. Matthew Teate, H.M.S. *Strombolo*, and of Commissions for holding Courts of Admiralty and proceedings thereof on the condemnation of several prize goods, taken from the Queen's enemies the *Seaflower*, privateer of Road Island, and cast away on the coast of Virginia, Nov. 25, 1704. Dec. 1704—Feb. 1704(5). 22 large pp. [C.O. 5, 1314. Nos. 43, 43.i-vi; and (without enclosures) 5, 1361. pp. 269-328.]

March 5. **925.** J. Barnard to the Council of Trade and Plantations. The Agent of the four suspended Councillors of Barbados explains that he was not able to obtain a copy of the Order of Council made upon their petition, and therefore could not be ready for the hearing appointed this evening at the Board. *Signed*, Jno. Barnard. *Endorsed*, Recd. Read March 5, 170 $\frac{1}{2}$. 1 p. [C.O. 28, 7. No. 100; and 29, 9. pp. 203-206.]

March 5. **926.** T. Edwards to [? Mr. Secretary Hedges]. If Mr. Skene is removed from the Secretaryship of Barbados, "I cannot dissemble the ambition I have to supply that office," having acted as his Deputy for some years, *etc.* *Signed*, Tho. Edwards. 1 $\frac{1}{2}$ pp. [C.O. 28, 38. No. 36.]

March 5. **927.** S. Lovell to [? Sir Charles Hedges]. Prays that his son Major Lovell may stay in Jamaica when his regiment is relieved, he being a very good lawyer and having the Duke of Marlborough's leave to practise there. *Signed*, S. Lovell. 1 p. [C.O. 137, 45. No. 62.]

March 6. **928.** Circular letter to the Governors of Plantations. The Cock-pitt. *Dolphin* and *Mermaid*, bound from Guinea with negroes for the Plantations, are to sail at their pleasure and not be stopped for convoy. *Signed*, C. Hedges. [C.O. 324, 30. p. 25.]

March 6. **929.** W. Popple, jr., to Sir B. Gracedicu and Sir G. Heathcote. Whitehall. *Encloses* an extract of the proceedings of the Assembly of Jamaica. The Council of Trade and Plantations desire you to write to your Friends there in order to the putting a stop to those irregularities. *Annexed*,

929. i. Extract of proposals and resolutions of the Assembly of Jamaica, Nov. 8-29, 1704, which seem prejudicial to H.M. service. (a) A clause to be inserted in the Additional Duty Act, that if any Company of Foot or troop of horse be called together and kept in arms on the day of election of Assemblymen, that election is to be void. Whereas upon due application to the Governor such soldiers would be removed without such unpresidential clause. (b) Another clause to be added to the same Bill, to oblige all publick officers to be accountable to the Assembly, and to be punishable according to the Laws of England and Jamaica for neglects and

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misdemeanours in their offices. (c) A resolution that no Councillor or Judge or Member of Assembly or J.P. shall bear arms but in case of invasion or insurrection, and then to be deemed as reformed Captains. (d) The price of Madera wine sold by retail to be settled by Justices of the Peace. Penalty if the retailer shall take above the limited price, as also if he shall refuse to sell such liquors for ready money. (e) The Members of the Assembly to give their votes *by balloting* when required. (f) The Council having made some amendments to a Bill appropriating several sums of money, the Assembly refused to admit of such amendments from the Council. (g) The Council upon the Assemblies refusing to admit those amendments, or to agree to a conference thereupon, declare they will not pass the said Bill. (h) Resolution that the Attorney General is obliged by his office to attend the Assembly when required. (i) The Governor in his Speech gives several instances to justify his proceedings against Mr. Totterdell, whilst he was a Member of that House. (j) An oath of secrecy taken by some of the Assembly. (k) No person in pention or pay to be capable of sitting in the General Assembly. (l) Quarters not allowed to the soldiers upon paying 5s. per week. [C.O. 138, 11. pp. 384-386.]

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Virginia.

930. Governor Nicholson to the Council of Trade and Plantations. I have already presumed to trouble your Lordships with three letters, vizt., of May 1, 2 and 3, which last is very long, and if what I have and shall now (God willing) write be not disapproved of by your Lordships, it will be a great satisfaction to me. I beseech your Lordships to consider that I may be accused of a great many Capitoll offences, crimes, and misdemeanours in little writing, because the facts are only named, but to give answers etc. to them requires a great deale more, especially considering my owne inability to performe these things, and the want of those extraordinary helps that my accusers have had both here and in England, by their haveing so much time and so many to help them, especially the Gentlemen of the long robe in England, which no doubt they have made use of, and three of them were parsons, whose weekly buisness was either to copy out sermons etc., or to forme them, and they not in any parish in England, may be wanted to keep their brains about forming strange notions and invective, and malicious discourses (their usuall ways of late in this Country) and their hand in practice by writing. By the Petition, Memoriall and some of the affidavits, and Fouace and Ludwell's Reply, I think they not only strongly insinuate but almost affirme that there would be a Rebellion here, either by my setting up in the nature of Cromwell or Bacon, the falsity and improbability of which I have endeavoured already to lay before your Lordships, which (I hope in God) will be satisfactory. The other way is quite opposite, that the people are so exasperated against me etc.,

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that, unless I was turned out of the Government, they would rise etc., so that one way or the other (tho' they are as opposite as ye two poles and as contrary as light is to darkness) there would be a Rebellion here, but a great many of their other accusations, according to the nature of them, are as untrue, inconsistent and contradictory as these. About the people's being so dissatisfied with me, I have also endeavoured to give your Lordships a short account of it, and I hope that the Publick testimonys that I have already (and I hope in God shall have) will pretty well clear that point, notwithstanding they have represented that the Addresses etc. were most clandestinely obtained either out of fear, or for hopes of places of profit etc. These gentlemen know (and all of them have been partakers thereof) that my way of treating Assemblys, General Courts and Clergy I have used ever since I came into the Country. And as to the mony I gave towards the Churches to the Northward, I began it first when I was Lieut. Governor of New England and New Yorke etc., and I continued it ever since the year 1690, when I came here first, as will appear by the Testimonials of the Northerne clergy mett at New York last October; but these Sparks I find have little or no sence of honour or honesty etc. in what they say or write of any particular persons or bodys of men when it will serve to accuse or blacken me. I find they represent my housekeeping very strangely as being scandalously penurious etc., and the house I live in (tho' I have 150*l.* per annum for one), in my letter to your Lordships of June 10, 1700, I humbly represented to your Lordships something concerning that affaire, and I have not been wanting since to recommend to the Assembly about building the Governor a house etc. I found it absolutely necessary to live at Williamsburgh, being the Seat of the Government, for getting the Publick buildings dispatched; when I came there I could have no other house than what I now live in. I had it of the Colledge, and may be if I had not made use of it, it might by this time have been quite ruined. I was by agreement with the Trustees etc. only to have laid out 75*l.*, but I expended above 200*l.*, for which I was only to have the use of it for three years, and if I dyed or left the country before, the College was to have it. I now pay 30*l.* per annum for it, and there is no other house in town, only Mr. Harrison's, about which I was once treating with him: but he supposed I was under an absolute necessity of either taking it or buying it, so he would have put upon me: for he would let me have it on no other terms than to give 400*l.* for it, or take it for 7 years at the rate of 40*l.* per annum. I would have given him that for 2 or 3 years, and I suppose he hardly makes 20*l.* a year of it now, and besides his house and what belongs to it daily decays; so I suppose that article about the house might be as a revenge on me for not complying with the said Harrison. As for my housekeeping, without reflection I may say that I have spent more money than any of my predecessours ever did, or I suppose any of my successours will, if my way of housekeeping was not so regular and so extraordinary well contrived, I hope it may be put upon

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the score of my not being so fortunate as to have a wife (and then I should have had no occasion for an Hostess, as they call her, but she had been most of theirs before and was esteemed one of the best women in the country for dressing of victualls), but I think I endeavoured as much as any man could to have got one, who I beleive amongst other her good qualifications would have been able to have managed that affair, and therefore what is amiss on that account is not my fault but theirs, who used all the ways and means possible to hinder that match. It is true my servants very often have but one dish a day, but I don't remember that ever they complained to me, but it is likewise as true that no person whatsoever when I am at home comes to me (which are a great many in a year), tho' not at dinner time, goe away without being ask'd or invited to eat and drink, and I think very few goe away without doing one or both. I confess that I have often dined upon a fowle, or any such little thing, when I have been alone, but I have very often done the same when I have not been well, tho' I have had 10 or 15 dishes of meat at my table. My accusers etc. have had all the advantage possible of me, both here and in England, for the Petition and Memoriall I find was signed May 20, 1703, a little after the Assembly and General Court and Mr. President Blair used privately to invite these gentlemen and some of the Burgesses and others to his lodgings in the Colledge to drink chocolate in the morning, and maybe sometimes in the afternoon a glass of wine; and this I think he used for about 2 years before, as likewise to invite the Clergy, these things can be proved, and that he did not doe so before; so that in that and severall others he accuses me of what he was guilty of himself. And no doubt all ways and means possible were used to gett the Burgesses and the other principall Gentlemen of the Country to joyne with them etc., and that was one of the Sessions of Assembly where Mr. Benjamin Harrison accused me etc. Mr. Wallace now brought them in all their letters and could give them a verball account what steps they had made in England, and how they were to proceed here, for he hath been a constant attender on them since he came. I have before humbly represented to your Lordships (as in ye Councill Book) his behaviour since he came in. The letter which your Lordships were pleased to write to me in his behalf, as likewise that about discharging prosecution etc., I suppose they both have and will endeavour to make great use of it against me, that they obtained it by the interest of their party to my great prejudice. They have also made use of a paper which hath been industriously spread not only here but to the Northward, for that which I herewith transmitt to your Lordships was sent me from New York; it goes under the title of a Ballad etc., a copy of these verses were sent by Mr. Comissary Blair's wife to her husband's countryman, one Dr. Bill, who came over with him, but he is not now intirely of their interest, but they knew him to be of a very uneasy temper and always finding fault with Governmt. and particular familys, and that he would not fail to make it publick, and he had the advantage of doing of it by his being a

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Physician, tho' I think of late his practice has failed him. I got from the Dr. that which was sent him, which I have, by this specimen your Lordships may be pleased to see their designs, that they are so farr from endeavouring to heale matters, that they would make the breach so wide as possible. And I find Mr. Blair continues to sound the Trumpett of Rebellion, Sedition etc., which he begun with his funerall oration and sermons here, and by his talking, and I suppose he hopes in time to have an army of these, or at least a regiment over which he might be Cheif Commander and make warr with them etc., but I hope in God as they have hitherto, they will be still disappointed in that and all other their unchristian designs etc. They have also industriously reported through the Country that there is a new Governor a-coming, the first of it was brought by Wallace that Col. Park was to be Governor, then afterwards they said when he ask'd for it, he was told he came some hours too late, but their finishing stroke was just before the meeting of the Councill and Clergy and Governor of the College ; that the Earl of Orkney, a Scotch nobleman, was made Governor. Some letters were writt from England by that party, and dated the beginning of January, that he was sworne Governor, but that he had not then appointed his Deputy etc. If it be thus, the trouble I have now given your Lordships will be needless, and I am much concerned at the extraordinary great trouble which her most sacred Majesty and your Lordships have had already this way on my account ; but I suppose this is one of the ways they hope to have me turned out by wearying your Lordships with such voluminous complaints etc., but as I have hitherto been very sensible of your Lordships' great justice and wisdom in this affaire, it makes me hope for the continuance thereof, notwithstanding the unwearied designs of my most inveterate and malicious enemies etc. If I am now turn'd out I need not trouble your Lordships with particular papers in answer to the Petition, Memoriall and Affidavits, which I have now sent to Sir T. Frankland ; but shall make use of them myself before your Lordships, where I hope I shall not be found to have a cloven-foot, to be a fury or have snakes instead of hair (for both by the petition, memoriall and affidavits they have represented me to be possest with a Legion of Devills), but like another ordinary man both in person and disposition, but if I am turned out now, it will be supposed to be on their petition, memoriall and affidavits, if so, I hope without the least breach of Charity, I may be allowed to take the benefit of the Laws of my native country, old England, against them, both in respect of perjury, as likewise for Defamation, slander etc., for I shall then have no other way of endeavouring to clear myself etc. I humbly beg leave to observe to your Lordships that if this H.M. Colony and Dominion had been under such unhappy circumstances as they have represented both in the petition, memoriall and affidavits etc., and that there would have been a Rebellion one way or other, why did they not immediately apply themselves either to her most sacred Majesty or your Lordships that speedy remedies might have been

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used for prevention thereof, for I suppose the petition and memoriall went for England in a shipp that sailed from hence in the beginning of the next month after they were signed and had no long passage for England, where those persons were whom they stile eminent friends of Virginia, some of which no doubt were Fouace, Wallace, Moodie and old Ludwell, but may be they wanted their Robin Hood, Blair, and his Little John, Beverley, and the Sancho Pancho, Esq., Luke, with his Dulcinea, del Toboso, these three arrived in England in November after, but yet nothing of all this presented to her most sacred Majesty till March 30 (in which he had time to form his projects and affidavits with these Sparks) and chose a time when the ships were all sailed for Virginia, and they were sensible that I could not have any notice of it, and would be a long time before I could make my answer; hoping that their loading me with capitoll crimes and others of such an high nature would so influence your Lordships as to judge it absolutely necessary forthwith to remove me, for that delays would give time to make matters here most desperate, and they knew I could not for a long time have the opportunity of hearing of or making an answer to their accusations, but I suppose that had they foreseen the method that H.M. and your Lordships have taken and what hath since happened thereon, they would not have ventured to have presented such a petition, memoriall etc. The Replyers say that they made their applycation to H.M., but I am informed they did not make it to H.M. first, for when there was complaints to the Honble. House of Commons against the Governor of Barbados and the Leeward Islands, there was a petition or memorial or both put in against me to the Committee appointed to examine into those affairs, of much the same nature as those to H. M.; but by whom it was done I could never yet hear, for it seem'd to be slipt in by the by, on that occasion of complaints against Governours; but I suppose when they found that the Complainants were obliged to signe their petitions and make out their charge, they did not think fit to prosecute it; and may be the times were not so proper for them, or they wanted Blair etc. I don't in the least pretend to find fault with them for putting their petition into that Honble. House, but only to show that their application to H.M. was one of the last remedys they took, and after Mr. Blair came for England, he, Fouace, Wallace and Beverley had a hearing at his Grace, the Archbishop of Canterbury's, before him and the Bishop of London on January 10, before the presenting of the petition: and I suppose if they could have managed their affairs for their own interest and satisfaction, may be, by getting their Lordships to have writ to me in their behalf, for their comeing hither and being in the same circumstances as they were before (especially Blair), I suppose they would not publickly have concerned themselves any further. And I think it is also observable that the petition and memoriall was presented, and the affidavits, and reply made when publick affairs were not in so happy a condition as might have been wished, especially relating to Scotland, and they seem to have

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servilely followed Mr. Fletcher's speeches, for they rather seem to be remonstrants than petitioners, and if what they ask is not granted, they seem to threaten strange things; one way to accomplish which they have sent the party a copy of the affidavits etc., and have made them publick; but I thank God I don't find they have made any Proselytes, but the contrary, but hath opened the eyes of a great many indifferent people etc. for I hear that even Geo. Marrable himself said that he knew Mr. Blair had forsworne himself in two or three things. I heartily wish your Lordships had sent me your report to H.M. on this affair, for they have the advantage of making use of such things, no doubt the politicians of the party in England have advised those here not to comply with what I might propose towards an accommodation, but rather to continue their complaints in hopes that by wearying H.M. and your Lordships with multitudes of papers it might be thought absolutely necessary to remove me. I suppose they will by this opportunity endeavour to represent to your Lordships not only a great many new pretended grievances, crimes and accusations against me, but also to perswade your Lordships that if I be not turned out, they and some other of the principal inhabitants will be forced to leave the country; and likewise insinuate that my continueing here will increase divisions and animosities in the country to that height as to run all into factions and confusions, which may bring to pass what they have already suggested, vizt., a Rebellion, and that if I should be turned out then there will be an end of all these, which if I were sensible of, I here declare (as I did in Council) that the first thing I should doe would be humbly to desire H.M. to let me surrender the Government. But I could say a great deale to make out that the country is in no such uneasiness, nor that any of their consequences will follow upon my being continued here, as likewise against the incourageing of complaints of this nature, but this would look as if I was guided by self-interest. I shall wave it till it please God I come from England, where I shall (God willing) fully make it appear, only I should be sorry to fall a sacrifice to the inveterate malice and revenge of my enemies, or for gratifying (as I think) their unjust and unreasonable desires or rather demands etc. But whatever H.M. shall determine in relation to the Government shall be most readily obeyed by me, and that without sending the least force from England, or raising any here, to make me comply with it, notwithstanding they have industriously insinuated in England, and I suppose they may have mentioned something of it to your Lordships, that I ridicule all that advise me from thence, and that I frequently say they meddle with that they don't understand, and that I know how to carry it better then they that busy themselves about it, but I have all along according to my duty endeavoured to give your Lordships as full and just an account of affairs in all respects both whilst in Maryland and here, and I hope have followed your Lordships' orders etc. If any of the merchants in England should either joyne with them, or make complaints themselves, I suppose the true reasons for their so

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doing, may be because I have endeavoured according to my duty to give your Lordships an account about trade, as likewise about fleets and ships etc. I have heard that some of them have found great fault with me for so doing, and even before your Lordships have taxed or reflected on me for writing about these things. Your Lordships in your great wisdom and judgment can't but find that our Tobacco merchants very seldom agree in point of trade and shipping etc., nay I heard that some of them were so ingenious as to confess that tho' the pretence was publick interest, yet their owne swayd them etc. I do not here in the least pretend to reflect on any of these gentlemen, but I humbly beg leave to observe to your Lordships that if they can't agree amongst themselves because of their various interests and designes, which are sometimes quite opposite, how is it possible for me to please them all, and I can safely swear it that whatever I writt to your Lordships on these subjects were not out of any private interest or advantage to myself, but for the generall interest and service, not only of her most sacred Majesty, but of her subjects ; but if any of them should be desirous to have me turnd out of the Government it may chance to be that my successor might either be of their party, or at least be a meere stranger to trade etc. If I were given to astrology, I should fancy that (after a new way) some malignant constellations were in opposition to the governing planetts in these parts of our Hemisphere, because there have been of late years and now are complaints against most if not all the Governours. But I am in hopes that according to the nature of the Clymate, violent things will not last long, and tho' they are given to sudden changes, yet the next will be the better sort : for no doubt in these parts as in others, people's humours and constitutions partake of the nature of the clymate. *Refers* to the proceedings of the last Councils, "how affaires have been managed on both sides in relation to the petition. memorial etc. since I received the copies of them with your Lordships' letter of June 22, and I can't but againe observe to your Lordships the strange powers and ways they would have to take affidavits etc. against me, but I flatter myself that if they had the power of using the Scotch way of Thummikins and Bootes, or the French way of the wrack, or the Barbary way of impaling, or twisting a cord about their heads, to make people confess, they would scarce find any to swear up to what they would have them." *Refers to enclosed sermon.* If I had not apprehended that it would have been presumption in the highest degree, as likewise if I had in any measure mistrusted your Lordships' great wisdom and justice, I would have drawn an humble and dutifull petition to H.M. in answer to their petition etc. If I was infallibly sure that I had a successor coming, whether in the same capacity or as Lieut. Governour, neither that nor anything else should make me discontinue (according to my bounden duty to her most sacred Majesty) to endeavour what in me lay to promote the glory of God, H.M. interest and service, and the welfare and prosperity of holy Mother the Church of England, as by Law established ; and after I have endeavoured

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to do these, to do the inhabitants of this H.M. Colony and Dominion of Virginia all the good I can. One reason is because I have found the inhabitants thereof, excepting a very few, a most loyall and dutyfull people etc. to her most sacred Majesty, and therefore no fear, but that God willing I shall be able so long as I stay to keep this Country generally in peace and quietness, as to what respects themselves, and likewise that they will be very ready and willing to venture their lives and fortunes if they should be attacked by any forreigne enemy either by sea or land, etc. *Signed*, Fr. Nicholson. *P.S.*—I would have sent the account of proceedings in the Courts etc., but that they are not all returned to the Secretary's Office. I am in hopes that Col. Jennings will be here before the Assembly meet which, God willing, is to be Aprill 18 next, so that what your Lordships are pleased to send by him may be laid before them. I am in hopes that your Lordships will be pleased to approve of my having made John Lewis, Esq., one of H.M. Honble. Councill, and if any objection shall be made against his having H.M. royall approbation, I most humbly propose that no finall determination be made therein, till both he and I are heard, and our being so with submission I think will be for H.M. interest and service, and may be the faction will endeavour to make great use of it, if they obtaine it, and then they may pretend that it was done pursuant to an old custom of the Councillours being as it were chosen among themselves, for I have formerly writ to your Lordships the ill consequence of having custome and common law in these parts etc. The last summer was one of the hottest that has been knowne for some years, and this winter hath been remarkable for snows and hard weather, but now, I hope in God, the bad weather is pretty well over and that we may have a good spring and summer after. I hope will not be reckoned as a peice of vanity in me to observe to your Lordships that tho' these sort of things has falne out yet no remarkable ill accident hath happened either here or in Maryland since I had the great honour to command, tho' I had the misfortune of finding both the places in some unhappy circumstances, one of which was there being in debt and haveing publick buildings etc. to erect, and may be there was some unhappy differences in the two countrys when I took possession of the Governments, but as it pleased God I delivered up the Government of Maryland under very good circumstances in all respects, so I hope that by the divine assistance the like shall be done in respect of my beloved Virginia by, Francis Nicholson. *Endorsed*, Recd. May 2. 7½ large pp. *Enclosed*,

930. i. A Ballad Address'd to the Reverend Members of the Convocation held at Man's Ordinary at *Williamsburgh*, in Virginia; to defend G[overno]R N[icholso]N, and Form an Accusation against C[ommissary] B[lair].

Bless us ! What Dismal Times are these !

What Stars are in Conjunction !

When Priests turn Sycophants to please,

And Hair-brain'd Passion to appease ;

Dare prostitute their Function.

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Sure all the Fairies must Combine
 To sway the Convocation,
 That Seventeen Clergy-men should joyn
 Without one word of Proof, to Sign
 So false an Accusation.

Or rather some for (*) Interest,
 And hopes of next Preferment ;
 By false Pretences finely drest,
 Slyly impos'd upon the rest
 To Sign on their (†) Averment.

First W[*heat*]ly(‡) heads the Reverend Tribe
 Amongst the Chiefest Actors :
 A Tool no Pencil can Describe,
 Who sells his Conscience for a Bribe
 And slights his Benefactors.

Sober and Meek under Disgrace,
 As better Fate Deserving,
 Now he's Advanc'd, he Soaks his Face
 And spurns at those that wrought his Peace
 And kept the Rogue from starving.

Portlock (§), the Cotqueen of the Age,
 Deserves the Second Station,
 A doubty Clerk and Reverend Sage,
 Who turns his Pulpit to a Stage,
 And Banters Reformation. *Etc.*

Nine other similar verses, describing the "Convention" at the "Tavern," where "Good Store of Bristol Beer and Stout By dozens was expended," London. Printed in the year 1704. Endorsed, Reed. May 2, 1705. 4 small quarto pp.

930. ii. Extract from Archbp. Tillotson's Sermons concerning *Detraction*. Quoted as applying to his own case, by Governor Nicholson. *Endorsed as preceding.* 1½ pp. [C.O. 5, 1314. Nos. 44, 44.i., ii. ; and (without enclosures) 5, 1361. pp. 329-353.]

March 6.
 Whitehall.

931. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letters of Sept. 18, 29 and Nov. 18. We are very sorry for the disorders you found and which have

* G—N. promised several of them their Commissary should be turn'd out, and they in his Place.

† Some were New Comers, and would fain have come off by that Pretence, but were not suffer'd.

‡ When he was affronted and abused by the G—r., and not suffer'd to Preach, and without a Penny of Money to support him, Mr. B. H. and Mr. R. B., with some Friends of theirs, gave him 30*l*.

§ He Preached a Sermon against Women upon the Serpents Beguiling Eve, wherein he laid out his Wife to the best advantage, for Hanging his Cat called Alice, whom he more dearly Lov'd. He is his own Brewer, Baker, Butcher and Cook.

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continued since your arrivall, and we hope that by your prudent management those divisions and animosities will in a great measure be healed. The Duplicates of those papers we expected by the *Milford* (which are yet in Portugal, where that ship was forc'd by stress of weather) being now arrived by the express you sent, we are proceeding to examine the complaints of the Four Suspended Counsellors and the Seven Absenting Members of the late Assembly, and shall give you timely notice of what shall occur thereupon. *Enclose* Order constituting Mr. Mills of the Council. We doubt not but H.M. pleasure upon Mr. Chilton's petition for leave will be signified to you. We transmitted what you writ in relation to Capt. Martin, as also to the French men of war at Martinico to a Secretary of State to be laid before H.M., as also to the Admiralty, as soon as any determination shall be taken therein, you shall have notice. But we cannot but take notice that it is very improper for the Assembly to send expresses with petitions etc. in their names to H.M. and the Lord High Admirall by Agents of their own, which should only come from the Governor, in whose hands the administration of the Government properly lyes and not in the Assembly, such application from other Plantations has not been allowed of. And therefore you will take care that for the future this method of Representations be rectified and brought into the proper channel. We have transmitted to Mr. Secretary Hedges what you write about English Prisoners at Martinico and we doubt not but you will receive directions from him thereupon. We expect the Naval Officers' Lists you promise; as also what you have further to offer in your vindication touching the complaints preferr'd here against you. And we desire that in the doing thereof you would explain yourself at large in your Letters, which may serve the better to explain to us the Minutes of the Council, to which you only refer us. We desire you to hasten as much as possible the dispatch of the Collection of the Laws in force, it being necessary for H.M. service that it be done with all possible speed. [*C.O.* 29, 9. pp. 207-210.]

March 6.
Whitehall.

932. Council of Trade and Plantations to Lt. Governor Johnson. Since our writing the inclosed to Sir W. Matthew, we have received your letter, by which we are informed of his death. We are very sorry for the loss of so worthy a Governor, and will not doubt of your care in the administration of the Government devolved upon you by this accident. You will be directed in general by the Instructions given to the late Governor, and endeavour to send us the collection of laws by the first opportunity, according to the inclosed letter. We do expect from you a continued account of the state of the Islands. We must repeat to you the caution formerly given to Sir W. Matthew, that you give charge to those intrusted with the packets of the merchants, and your own most especially, that they fix lead to such packets, and that they be thrown overboard in case of unavoidable danger from an enemy. [*C.O.* 153, 9. pp. 89, 90.]

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Whitehall.

933. Council of Trade and Plantations to Col. Codrington. We have received yours of Dec. 6, and are very sorry for the unexpected death of Sir W. Matthew, and as to your desire of succeeding, we are laying the same before H.M. in the most advantageous manner. [*C.O.* 153, 9. *pp.* 90, 91.]

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Whitehall.

934. Council of Trade and Plantations to Governor Handasyd. Since our letter of Nov. 30 we have received yours of June 19 and Dec. 17 and 31. The first we have laid before H.R.H. the Lord High Admiral, and upon this occasion we must repeat what we have already writ to you, that in all affairs relating to the Admiralty you ought yourself to make immediate application to H.R.H. the Lord High Admiral's Council, giving us at the same time notice thereof. The Instructions already given to our privateers and men of war are drawn with so much caution as to encourage our trading as much as possible with the Spaniards upon their coasts in America, without disabling ourselves from annoying the Spanish ships and galleons in the open sea coming to or going from Europe, or to and from any of their Islands, so that as we conceive that matter is not capable of any further explanation. However we have represented to H.M. that she would be pleased to write circular letters to her Governors in America to enforce H.M. good inclinations in reference to trade with the Spaniards in those parts, and directing them to take good security from the persons to whom they have granted or shall grant Commissions, that they shall not break faith with such of the Spaniards as they shall trade with, nor intice them from the land or out of their harbours on pretence of trade in order to make a prey of them as is complained of by you. We are sorry to find the Assembly so little sensible of their duty in complying with H.M. demands, in relation to quarters for the soldiers, but we approve of your steadiness in not permitting their incroaching upon H.M. prerogative, and we doubt not of your care upon all occasions in maintaining and asserting the same. We have not received the list of ships registred in the Admiralty Office mentioned to be inclosed in your letter of Dec. 17. The Minutes of the Assembly transmitted in your said letter are very imperfect, and several of them wanting. We therefore desire you by your next to send us a perfect copy. The Board of Ordnance have writ to us, that having sent to Jamaica several artificers, who, not being employed there, they intended to send for back, unless we had any objection to the same: but not having heard anything from you in relation to the said artificers, we were not able to give any positive answer thereunto. You will do well therefore upon all occasions to give us particular accounts of everything relating to your Government. [*C.O.* 138, 11. *pp.* 381-383.]

March 6.
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935. Council of Trade and Plantations to Lt. Governor Bennett. Since our Secretary's letter Nov. 30, we have received yours of Aug. 12 and Oct. 26 last. We have already explained ourselves upon your having given Commissions in time of peace

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which no Order or Instructions you have received can any way justify. In your next we desire you to give us an account of what pirates have been taken and what prizes made by the numerous Commissions which you have granted from time to time, and caution you for the future that no Commission that you shal give out be made to be in force for more than one year, and that security be given in the summe of 1,000*l.*, as well for the good behaviour of the persons commission'd during that time, as for returning to their commission'd Port. We are not sufficiently apprized of the affair of the wreck ship, and think it proper that in such cases for the future you give us a full and particular account of those things from the beginning to the end of such matters. Mr. Nelson has not yet made any complaint here, when he does we shal make the proper use of the articles and affidavits which you sent us. By the letters which we presume you have already received from us, you will understand that Mr. Jones's case has been examined at large at this Board, your brother being present, and altho' it does appear he had behaved himself disrespectfully towards you, as H.M. Commander in Chief, we could not but think that he had been hardly used by the Juries and at the tryal at Bermuda wherein too little regard was had to H.M. Letters Patent. And whereas he had promised this Board to behave himself with due respect and decency towards you for the future and acknowledged his fault in a manner which we thought satisfactory, so we do not doubt but you will lay aside all private animosities and live in good correspondence with him as you are both honoured with H.M. Commissions. This inclosed Petition is sent you upon the recommendation of the Lord Bishop of London, and we doubt not but that you will use the best means to secure the petitioner a relief as his character and the justice of his cause may require. [*C.O.* 38, 6. *pp.* 99-101.]

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Whitehall.

936. W. Popple, jr., to Lt. Governor Bennett. Their Lordships are not offended at your enclosing in their packet such letters to other people as may be of publick concern; the reason of what was writ you was because that the postage of those letters was excessive high. When you send any packets of any large size it would be convenient they were made up in small thin boxes, in order to preserve them from being torn. My Father is not well enough to answer your letters himself *etc.* [*C.O.* 38, 6. *p.* 102.]

[March 7.]

937. Council and Assembly of Barbados to the Queen. Congratulate the victories of the Duke of Marlborough and Sir George Rooke. "This poor declining Island has in a more particular manner shared of your bounty and favour by the advantages we have reaped under our good Governor Sir B. Granville, a person of probity, justice *etc.*, and by his extraordinary vigilance and prudence has wrested this unhappy Island from its Destroyers, a sett of corrupt Ministers, vizt., the four Councillors suspended by the Governor, and seven disaffected

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Members of the Assembly, *etc., etc.* *Signed*, Robt. Waite, Wm. Grant, Wm. Allamby, Geo. Peers, Jo. Pickering, Tho. Sandiford, Wm. Holder, Speaker, Alex. Walker, Tho. Alleyne, John Holder, Paul Lyte, Reynd. Alleyne, Simon Lambert, Cha. Thomas, Geo. Harper, Tho. Merrick, Wm. Sharp, H. Pickeringe, Robt. Johnstowne, Abell Alleyne, James Colleton, John Milles. *Endorsed*, Read March 7, 170 $\frac{1}{2}$. *Copy*. 3 $\frac{1}{4}$ pp. [C.O. 28, 7. No. 101.]

[March 7.] **938.** Mr. Ball's Calculation how Sir B. Granville would have gained 3,000*l.* by the Bill. [See March 2.] (*Bread is calculated at 15s. per 100lb., and rum at 12d. per gall.*) *Endorsed*, Reed. Read March 7, 170 $\frac{1}{2}$. 1 p. [C.O. 28, 7. No. 102; and 29, 9. p. 212.]

March 7. **939.** Papers produced by the Agents of Barbados in vindication of Governor Sir B. Granville upon the hearing of the complaints against him, March 7.

939. i. Petition of several merchants and others to the Governor to stay the sailing of the convoy-fleet till the packet-boat be gone a week, in order to enable them to advise their correspondents to insure for them. *Endorsed*, James Miller, John Dure, John Hasilwood, Wm. Board, Jos. Green, Mathew Beesly, Ed. Lunde, Geo. Adams, John Grove, Ed. Singleton, Robt. Stillingfleet, John Gill, Abel Bond, Fra. Loud, Conrad Adams, Edwd. Cordwent, King Townsend, Mich. Baker, Wm. Cogan, J. Newport, Wm. Godman, Guy Ball, Charles Thomas, A. Skene. 1 p.
939. ii. Council and Assembly of Barbados to the Queen. *Duplicate of No. 937.*
939. iii. Copy of Minutes of Council of Barbados, May 16, 1704. 2 pp.
939. iv. Copy of Minutes of Assembly of Barbados, Aug. 24, Sept. 1, 1704. 2 $\frac{1}{2}$ pp.
939. v. Certificate under the Seal of the Island that the following are true copies. *Signed*, Bevill Granville. Sept. 29, 1704. $\frac{3}{4}$ p.
939. vi. Notice, that there has not been any ticket given out of the Secretary's Office for Thomas Maycock, William Terrill, John Curle, Lawrence Hyde, Francis Whight and Hugh Dugin to depart this Island. *Signed*, A. Skene. Sept. 27, 1704. 1 p.
939. vii. Governor Sir B. Granville to Capt. Martin, H.M.S. *Blackwall*. Order to cruise for 15 days. July 8, 1704. $\frac{3}{4}$ p.
939. viii.(a) Warrant for James Hannay, Provost Marshall, to arrest Thomas Maycock and Wm. Terrill for menacing and violently interrupting the sheriff at the election of St. Lucy's parish. Sept. 12, 1704. *Signed*, A. Skene. 1 p.
939. viii.(b) Subpœna to Col. Thomas Maycock and Katherine Harrison to answer a bill of complaint by Capt. Josias

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- Harrison in the Court of Chancery; together with a *Ne exeat insulam*. Sept. 16, 1704. 1 p.
939. ix. Deposition of Capt. Ackland that Capt. Martin pressed his men and detained them contrary to the Governor's express orders to deliver them back. *Signed*, Wm. Ackland. Sept. 13, 1704. 1½ pp.
939. x. Minute of Council of Barbados, July 13, 1704. Order that Col. Maycock attend to answer a complaint of his speaking indecent and scandalous words against H.E. and Council. ¾ p.
939. xi. Minutes of Council of Barbados, Sept. 11, 1704. Proceedings on Maycock and Tyrril's violence to the Sherif. 1½ pp.
939. xii. Order to Capt. Martin to convoy clear of the Island, June 17, and then to cruise for 24 days. *Signed*, Bevill Granville. June 5, 1704. ¾ p.
939. xiii. Order to A. Skene, Secretary, to bring ashore Maycock, Tyrril and Curle, who are fled from justice aboard H.M.S. *Blackwall* without a ticket. *Signed*, Bevill Granville. Sept. 18, 1704. 1 p.
939. xiv. Minutes of Council of Barbados, Sept. 1, 1704. Deposition of Thomas Campin and Henry Sherburne, masters of sloops captured by the French, that their privateers intended to raid Speights' Road. Referred to the Assembly. H.E. demanded of Capt. Martin why he did not send a man of war thither. 2½ pp.
939. xv. Certificate that no tickets were given for Laurence Row, John Waterman and Ann Maycock to leave the Island. *Signed*, A. Skene. Sept. 28, 1704. ½ p.
939. xvi. Petition of William Gordon to H.E., as to the violence of Maycock and Tyrril at the election of St. Lucy's. 1½ pp.
939. xvii. Copy of Summons to the Freeholders of St. Lucy's (Maycock, Terrill, Gordon, Capt. Samuel Maverick, Middleton Chamberlain, Capt. Christopher Berrow, George Thompson, John Harris, Thomas Aggard, Wm. Harris, Thomas Waite, William Rollock, Richard Jones, George Dowridge, Joseph Jemet, James Greyham, William Bruning, Francis White, Hugh Graves, John Curle, Richard Aldin, Wm. Yarwood, and Capt. Samuel Osborne) to attend H.E. in Council, Sept. 11, 1704. 1 p.
939. xviii. Governor's Order to Capt. Martin to deliver pressed men to Capt. Ackland. (*No. ix.*) Sept. 9, 1704. ¾ p.
939. xix. Capt. Martin's reply to H.E. I cannot discharge so many men at this juncture. Sept. 11, 1704. 1 p.
939. xx. Order of John Farmer, President, to the Treasurer, to pay Thomas Maycock ¼d. of the money raised by the Act for repairing the Fortifications. Dec. 23, 1702. Col. Maycock's receipt for 1,500*l.* thereupon. 1 p.
939. xxi. Certificate that the following are sworn to be true copies by William Sharpe, J.P. Nov. 18, 1704. *Signed*, Bevill Granville. 1 p.

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939. xxii. Deposition of Alexander Walker, Nov. 17, 1704. [See Report, March 29.] 1 p.
939. xxiii. Deposition of John Holder. Nov. 17, 1704. [See Report, March 29.] 1½ pp.
939. xxiv. Deposition of George Harper. Nov. 17, 1704. [See Report, March 29.] 1 p.
939. xxv. Certificate that the following depositions are true copies sworn before Robert Johnstown, J.P. *Signed*. Bevill Granville. 1 p.
939. xxvi. Deposition of George Hay, Dep. Provost Marshall. Sept. 18, 1704. Capt. Martin refused to deliver up Maycock, Terril and Curle (*Nos.* viii and xiii) or to recognise the jurisdiction of any officer of Barbados on board H.M.S. *Blackwall*, etc. 1 p.
939. xxvii. Deposition of Alexander Skene *to the same effect as preceding*. 1 p.
939. xxviii. Depositions of William Sharpe and William Holder that the sum received by Col. Maycock [*No.* xx] has never been accounted for. Sept. 25, 1704. ½ p.
939. xxix. Depositions of Capt. Samuel Goodwin, Chief Gunner of Charles *alias* Nedham's Fort, and of Thomas Johnson, matross, that H.M.S. *Blackwall* arrived in the bay of Carlisle from her cruise July 16, and continued there till Sept. 18, 1704. ½ p.
939. xxx. Certificate that the following are true copies of depositions sworn before the Honble. James Colleton, J.P. *Signed*, Bevill Granville. ¾ p.
939. xxxi. Deposition of William Sharpe, Member of Council, Nov. 17, 1704, as to the Governor refusing to take any benefit from the bill to raise a guard. [See Report, March 29.] *Signed*, Wm. Sharpe. 1½ pp.
939. xxxii. Deposition of Robert Johnstown, Member of Council *to same effect as preceding*. 1¾ pp. *The whole endorsed*, Recd. Read March 7, 1705. [C.O. 28, 7. *Nos.* 103–131.]

March 7. **940.** F. Gahtman to the Council of Trade and Plantations. London. *Repeats* prayer for relief, Feb. 8. *Signed*, Francis Gahtman. *Endorsed*, Recd. Read March 15, 1705. 2 pp. [C.O. 5, 863. *No.* 131.]

March 7. **941.** W. Popple to Mr. Bernard. The Council of Trade Whitehall. and Plantations have appointed Munday at 4 to hear the matters relating to the Four Suspended Counsellors of Barbadoes *etc.* [C.O. 29, 9. p. 211.]

March 7. **942.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Announces* death of Governor Sir W. Mathew, and Col. Codrington's desire to serve H.M. again in that Government, which you will please to lay before H.M. *Autograph signatures*. 1 p. [C.O. 152, 39. *No.* 101; and 153, 9. pp. 91, 92.]

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March 8.
Virginia.

943. Governor Nicholson to [? *Sir Charles Hedges*]. *Acknowledges* letter of May 25. Will send Journals of Council by the next safe opportunity. H.M. Instructions for letters of marque, May 25, 1704, shall be most readily obeyed, but there has no Privateer been fitted out from this Country since the Warr, nor probability of any. What your Lordp. is pleased to write, June 13, about pitch, tarr and other Naval Stores, I have given the necessary orders thereupon, and when I receive answers from some Countys about that, I shall transmitt them, etc. Congratulates his appointment, "wch. will no doubt be to the great satisfaction of the whole English Empire in these parts of the world," etc. *Signed*, Fr. Nicholson. *Endorsed*, R. May 2. *Enclosed*,

943. i. Copy of Address of Governor, Council and Assembly of Virginia to the Queen, 1704. *Assure* H.M. of their loyalty and thank her for her Picture etc. *Signed* by Governor and Members of Council and Assembly. 1 p. [*C.O.* 5, 1340. *Nos.* 8, 9.]

March 9.
Fleet Prison.

944. Mr. Clifford to the Councel of Trade and Plantations. *Prays* for the speedy despatch of his business. *Endorsed*, Reed. Read March 12, 170 $\frac{1}{2}$. 1 p. [*C.O.* 388, 75. *No.* 114; and 389, 36. p. 252.]

March 9.

945. W. Penn to the Council of Trade and Plantations. Honble. Friends, I made a poor shift to waite upon you to pray the Perticular of wt. I am to surrender, My Counsell telling me that Genlls. are neither fitt for ye Queen's service, nor safe for me. But when he has the mind of ye Bord, he will speedily make a Draught for your vew. My late illness has been an hindrance to ye dispatch desired, wch. being out of my powr to hinder, I hope it will not be thought a fault or neglect in your assured and respectful frd. Wm. Penn. *Endorsed*, Reed. Read March 9, 170 $\frac{1}{2}$. *Holograph*. 1 p. [*C.O.* 5, 1263. *No.* 14; and 5, 1291. pp. 131, 132.]

March 9.
Whitehall.

946. W. Popple, jr., to Mr. Penn. *In reply to preceding*, the Council of Trade and Plantations expect you will surrender your Letters Patents for the Government of Pennsylvania to H.M. with all the powers therein contained, reserving to yourself the Propriety of the soil and the Quit rents thereof; if there be anything else which you desire to reserve, their Lordships would be glad to know it at any time you will think fit to call here, etc. [*C.O.* 5, 1291. pp. 132, 133.]

March 10.
Boston.

947. Governor Dudley to the Council of Trade and Plantations. My last addresses were by the *Gospir*, Oct. 31. *Acknowledges* letter of May 26. H.M. letters, enclosed therein, to the Governments of Connecticut and Rhoad Island to give their assistance to this Province, arrived while the Assembly of this Province were sitting, who were very sensible of H.M. speedy care for them, and accordingly I despatched them to both the

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Governments by foure Gentlemen of this Province, that they might improve them to advantage, who pursued the bussness with good diligence, and both the Governments had to answer that the last summer since my complaint they had done something. Road Island had sent 50 men to joyn in the Eastern expedition, and Connecticut 300 to our West Hampshire upon Connecticut River, which is truly the frontiere and cover of all theyr Colony, which are both true, but have more shew than reality, for though Connecticut did send the men they mention, yet I was forced to subsist them, and find them their ammunition, which truly reduceth their sum to a quarter of what they mention, and they have now 200 men in the same place, but I am yet obliged to give them all subsistence, and they will march off when they please by the direction of their own masters, so that I am sure of nothing, nor doe I ever expect they will be under command while those Charter Governments are standing.

Road Island Assembly is now sitting, and have promised that they will make a perfect muster of their inhabitants, and then consider of a quota which they will maintaine. To this Government I sent the Judge of the Admiralty with H.M. commands referring to the Admiralty Jurisdiction, and the repeal of theyr Lawes pretending to those powers, to which Col. Cranson and the Council gave answer then that there should be all obedience given, and no further pretention made as heretofore; however some moneths since Col. Cranson hath given commission to — Halsye, in the *Charles* galley, to whom I had myself expressly refused any commission because she was that unfortunate vessel out of which the pyrates were lately executed, and truly Laurence not fitt to command her, and particularly because I had your Lordships' letters informing me that H.M. had given new Instructions to her Governours for the regulation of privateers, which were not then come to my hand, and I had refused to suffer any vessels to proceed until those commands and directions should arrive. However Col. Cranson hath commissioned them, and they are long since proceeded on theyr voyage, what I humbly informe your Lordships in these articles is strictly true, and will again revive all the disorders of that place, unlesse prevented by some further methods, which your Lordships' wisdom will find out.

Since my last expedition in the summer to the Bay of Fundee, we are every day advised that what the forces of this Province did there against the enemy was of great value, and hath been such a discouragement to the French and Indians that for 5 moneths past my marching partyes in the desert can find no footsteps of them, having left all their settlements neare us, and though we were (by intercepted letters between the two Governors of Quebeck and Port Royall) threatened with a march of 1,000 men upon our frontiers, we have seen nothing of it, although it hath necessarily put me upon very strong guards from Deerfield to Wells, 200 miles distant, besides that I have 300 of the best men in the Province now out upon their snow-shoes to find Norrigawaog, their farthest and greatest quarter of residence

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200 miles into the woods on the back of Pemaquid, that have been now marched 20 daies, of whose returne I hope to informe before the ship's departure, all which adds to the great charge of this Province, tho I must doe the Assembly here that right, however they neglect my personall support, they have at no time doubted or delayed their concurrence to any expedition I have thought fitt, nor the payment for it, their whole being at stake. They have also given the last session 2,000*l.* for the rebuilding H.M. *Province* galley, which was built here 7 years since, but was too small and decayed, and thereby unfitt to meet a privateer of the enemy of any bignesse, and she will be neare 200 tons and carry 18 guns and 60 men, and I hope will saile within a moneth. I humbly offer these articles to your Lordships if it may be to strengthen theyr addresse to H.M. that there may be ships of war and ordnance and stores necessary sent hither, which your Lordships acquaint me have been delayed for want of plans of the severall fortifications, which I had sent by Cary, but were unfortunately taken. I have desired Col. Romer to repeat them if possible, by this conveyance, but he is at Pascataqua. By the *Gospir* I gave your Lordships the account of the pyrates that were executed and remaining condemned, since which 6 have broken prison notwithstanding constant guards upon them, our prison being so full of French prisoners, and some ill people, that are offended that any such proceeding should be had against those that bring in money though never so ill-gotten, have taken care to hide them off, which I cannot discover, and one of them is dead in prison, so that there are but six left. *Prays* for H.M. directions. This proceeding was the first Session of the Court of Admiralty established here by Act of Parliament, and I had a long and great trouble to bring the matter to passe and to discover the treasure, being in near 100 persons' hands before the pyracie was made certain, that I humbly offer whether H.M. may not be moved that some share thereof may be assigned me, especially considering the mean support I have at present in this Government, that will not pay the halfe of the expense of it. I understand 10 *p.c.* hath been taken in some other Governments where there hath not been such difficulty in the proceedings, besides that it will convince everybody here that my care and service therein is acceptable to H.M.

Lt.-Governor Usher hath offered his accounts, wherein this Province is indebted to him in the time of Sir E. Androsse etc. I think they are very plaine and just, and a Committee of the Council, who by the Charter have the power of drawing money out of the Treasury, have reported upon them with very little objection, and the Representatives have left theyr objection very uncertain. All which Mr. Usher will lay before you. If your Lordships shall obtain H.M. commands for payment of the balance which shall appear to your Lordships, there being now no further to be said in it, it will be a great favour and justice to him.

As the Assembly have neglected the support of all their publick officers, so they have done particularly of Lt. Governor Povey,

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who hath shewed himselfe in all occasions a very good officer. I lately found an establishment of the Castle, whereof he is Captain, which setteth the Captain's pay at 100*l.* per annum, and when they refused to do anything for him in either post, with the consent of the Council as the Charter directs, I gave a warrant to the Treasury to make payment of that sum, farre lesse than he deserves and lesse than they have given others before. Thereupon the Assembly have voted it a grievance, as truly all salaries and payments to the Queen's servants are, and desired that the money be again returned to the Treasury. I have directed the Secretary to cover that Establishment and their vote thereupon, and submit it to your Lordships whether that be not a standing establishment till the Governor, Council and Assembly shall all agree to take it away, all which I am humbly of opinion would want H.M. consent also. The Judges' salaries being but 50*l.* per annum, hath occasioned their memoriall and complaint often to the Assembly, but I can obtaine no addition, and the Law requires five, whereof three to sit, I expect that will soon be a complaint of greater concernment. The Cheife Justice hath layd downe a year past and one other now offers to lay downe, and the Council will not consent to such as I have nominated, being the best qualified men for estates and loyalty, and if the Bench failes, I cannot consent to lesse and inferior persons such as perhaps they would have. I pray your Lordships' directions therein. I expect it not to end well until H.M. hath an approved Lawyer sent hither for a Cheife Justice, that may direct the whole and be well supported, which the present forme and constitution will not admitt of. Capt. Redknap is very acceptable to me. The complaint of Loyd against Bald was a wrong information. George Bald proceeded in the vessel mentioned from the West Indies, and was never in this Province as anybody can informe me, there was another George Bald of this country, who was not then at Newfoundland, and is lately dead in this towne. I shall obey your Lordships command in the new Direction for privateers both as to the instruction and value of their securities. The Castle of this place is perfectly finished and when Col. Romer comes to Towne shall have the inscription *etc.* The fort at Pascataqua is very well advanced, but I am got 1,000*l.* beyond the graunt of that Assembly, which was but for 500*l.*, which they are very hardly able to beare. Your Lordships' commands referring to inhabitants coming from England or the other Plantations to settle here, is soon accounted for, there hath not been 10 families these last 10 years, come to settle here, but some hundreds are gone from hence to all the neighbour Colonies who are in peace, and quitt of taxes, while both are heavy upon this place, so that I dare put it to that issue with Connecticut and Road Island, if they will impresse and send into the service such or so many good able men as they have got from us in seven yeares past, I will aske no more.

I shall obey H.M. commands referring to Uncas when the affaires of this Province will allow me to be so long absent. It is 120 miles to the place where I must necessarily sit, and they are

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very tedious in their proceedings. By the last ships I received H.M. picture and coat of armes, the armes were the next day fixed in the Council Chamber; and I issued warrants to the Sheriffs forthwith to reforme the armes in all their Court-houses before the next session of any Court. H.M. picture I have set up in my owne house, where it is alwaies in the view of all masters of sea, strangers and others *etc.* *Signed*, J. Dudley. *P.S.*—*Acknowledges* letters of July 6 and Aug. 24, 25, with Instructions. I humbly offer names for Councillors of New Hampshire: Winthrop Hilton, Richard Waldren, Joseph Smith, Shadrach Walton. The best men of loyalty and estates in the province not already of the Council, and three of them have agreed Mr. Alin's title. *Endorsed*, Reed. 25 June, Read Dec. 10, 1705. 6½ pp. [*C.O.* 5, 863. *No.* 132; and 5. 912. pp. 4-15.]

March 10.
Boston,
New England.

948. Governor Dudley to [? Mr. Secretary Hedges]. *Acknowledges* letters of May 21, June 23, July 6 and 17. I shall yield strict obedience to the Instruction for privateers &c. In the business of the masts, I am well appraised of the importance thereof to H.M., and have not had for a year past less than 100 men guard upon the axes and teams, and have not lost one piece upon which they have laboured. I shall take care that there be no imbeslements of prizes, tho' the Judge of the Admiralty is a person of loyalty and good estate and the officers very carefull, so that I have no complaint from the Prince's Reeve here. The last letter containing the indulgence to merchants to sayle with half foreingners, I received this day, and shall forthwith publish it, and put it into the offices of the sea, where it will be very acceptable. The Assembly of this Province the last year sent home their Address to H.M. without any consent or direction from myself, and were reprimanded by the Council of Trade and Plantations, and the Address was not delivered. This year they have done better, and I humbly pray your Honour's favour for them in the particulars. The warr is very pressing and the expence more than £40,000 a year, an excessive charge for this Province, but they have in their Address acknowledged the just expence of their taxes and the good success of their forces, and their defence, and yet will by no means settle any support for the Governor or other officers of H.M. here, however I ask H.M. favour for them. *Signed*, J. Dudley. *Endorsed*, Apr. (?) 26. *Holograph*. 2 pp. [*C.O.* 5, 751. *No.* 64.]

March 12.
Whitehall.

949. W. Popple to Mr. Clifford. *Encloses following*:
949. i. Council of Trade to Messrs. Shepherd and Gardner. Desire their report on Mr. Clifford's accounts or to state whether they intend to do anything therein. [*C.O.* 389, 36. pp. 254, 255.]

March 13.

950. i. Deposition of S. Child. The sea-coasts of Barbados were guarded by the Militia in President Farmer's time. Deponent knows not of Militia being sent into mountains, but some sentinalls

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to proper places to look out within few yards of a dwelling-house and near ye high roads. March 13, 170 $\frac{1}{2}$. *Signed*, Saml. Child. $\frac{1}{2}$ p.

ii. Deposition of P. Carrington, Chirurgion, that the forts and bays were guarded by Militia in former days. *Signed*, Mel. Holder. March 13, 170 $\frac{1}{2}$. $\frac{1}{2}$ p.

iii. Deposition of M. Holder, to same effect as No. i. *Signed*, Mel. Holder. March 13, 170 $\frac{1}{2}$. 1 p.

iv. Deposition of J. Rollstone. *As No. i. Signed*, John Rollstone. March 13, 170 $\frac{1}{2}$. $\frac{1}{2}$ p. *The whole endorsed*, Recd. March 14, 170 $\frac{1}{2}$. [C.O. 28, 7. Nos. 132-135.]

[March 14.] **951.** Deposition of Wm. Cleland in defence of Governor Sir B. Granville. [See Report, March 29.] *Signed*, Wm. Cleland. *Endorsed*, Recd. March 14, 170 $\frac{1}{2}$. 3 large pp. [C.O. 28, 7. No. 136.]

[March 14.] **952.** Proprietors of the Western Division of New Jersey to the Council of Trade and Plantations. Petitioners having made a surrender of the Government of West Jersey upon conditions which your Lordships assured them should be kept inviolable and to that end be inserted in the Instructions of the Queen's Governor, they have received information that the Lord Cornbury has acted in several particulars contrary to those conditions, and to Petitioners' great detriment, but they being unable to draw up a proper charge without the Instructions, pray for a copy thereof. *Signed*, Tho. Lane, Paul Doeminique, E. Richier, John Whiting, John Norton, Fra. Michel, Jno. Bridges, Rob. Michel, Jos. Brooksbanke, Tho. Skinner. *Endorsed*, Recd. Read March 14, 170 $\frac{1}{2}$. 1 p. [C.O. 5, 970. No. 25; and 5, 994.A. p. 189.]

March 15. **953.** W. Popple, jr., to W. Lowndes. *Encloses* petition of Whitehall. Francis Gahtman, who has been sent over by Col. Dudley, pursuant to the Act of Parliament against pirates, as witness against two persons that were accessories to the piracies lately committed upon some Portuguese ships, for which several of the principals have been punished with death, and the said accessories having, after being taken by the French in their way hither, made their escapes, Gahtman desiring leave to return to New England and to be enabled to pay the debts he has contracted here, as also his passage thither, the Council of Trade and Plantations recommend to my Lord High Treasurer that he may have 50*l.*, which may be replaced out of the proceed of the goods of those pirates now in New England, wh. is of a considerable value. [C.O. 5, 911. pp. 457, 458.]

March 15. **954.** Nathaniel Cary to the Queen. Petition in behalf of London. H.M. Province of Massachusetts Bay. Sums not amounting to 2,500*l.* sterl. have been seized on Capt. Quelch etc., and 1,500*l.* was expended in fitting out a sloop for apprehending said pirates, etc. And whereas your Majesty has been graciously pleased to bestow on that Province 20 great guns etc., and signified

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your Royal Pleasure that the other stores your Majesty was addressed for be provided at the charge of the said Province, I humbly represent the very great poverty of your Majesty's subjects in that Province by reason of the warr they are engag'd in. The expences of the war are now above 20,000*l.* sterl. per annum; the distresses of it are so great that the 10th man in the Province was last summer constantly under arms to defend it. And which has been more fatal to that country since this war, the many great losses by sea to value of 140 odd sail of ships. So that we are at present utterly destitute of either fund or credit to answer the cost of those other necessarys as are absolutely wanting for the defence of your Majesty's Province. *Prays* that the money seized on the Pirates, exclusive of the charges in their prosecution, may be bestowed on the Province to enable them to purchase small arms and ammunition etc. 1 p. [*C.O.* 5, 751. No. 65.]

March [15]. **955.** Governor Winthrop to the Council of Trade and Plantations. Acknowledges letters of June 29, 1704, and Aug. 25 received via Virginia and New York. I have appointed a day of Thanksgiving as directed. The Government here, being informed by Sir H. Ashhurst of the complaint exhibited on behalf of the Mohegans, were preparing to lay before your Lordships the true state of the matter, and to shew that as this Government has never in the least wronged them, soe there is not the least appearance of truth in that a[larm?] of those Indians joyning with our enemyes, and should have done it before this tyme if H.M. Commission to Col. Dudley *etc.* had not prevented, in expectation of which enquiry, which has not yet been made nor any ty[me] appointed for [it], the Government has omitted to give your Lordships that account, but that matter being yet suspended, I think it my duty to assure you that this Government has been allwayes soe far from doing any injury to the Natives that they have been most solicitous to prevent whatever wronges any ill-minded persons have designed to doe them, by inticeing the Sachem [*Owaneco*], who according to the custome of the Indians is esteemed sole Proprietor, to alienate to them the lands which are in their improvement for the necessary subsistence of his men. Severall of the persons named in the Commission doe belong to this Government, and have, a little before the complaynt, obtayned of him several large farmes for themselves in the landes which by the aforesaid complaint this Government is said to have wronged the Indians of. And as wee cannot therefore expect that the end of H.M. Commission will be obtained in a faire report of the matter to be inquired into, if it should happen to be managed by those who have such an intrest of their owne to serve in it, soe we still think it necessary, if any such thing should happen, to trouble your Lordships with an exact account of the whole matter. and shall most humbly pray your Lordships' favour that H.M. may have a perfect understanding thereof. *Signed*, J. Winthrop. *Endorsed*, Recd. July 9, Read Oct. 12, 1705. *Addressed. Sealed. Holograph.* 2 pp. [*C.O.* 5, 1263. No. 35; and 5, 1291. pp. 212-215.]

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 March 15. **956.** M. Plowman to Sir Ch. Hedges. *Prays* that the 600*l.* due to him may be paid out of the 30 *p.c.* deduction to be made out of the arrear due to the forces at New York. *Signed*, Mathew Plowman. 1 *p.* [*C.O.* 5, 1084. *No.* 25.]
- March 16. **957.** Council of Trade and Plantations to Mr. Secretary
 Whitehall. Hedges. Having under consideration the affaires of Barbadoes, and finding that great disturbances have happ'ned there by the absence of Members of the Council; and Mr. Patrick Mein of the said Council having been in England for about two years, and having in November last obtained H.M. leave to remain here during her royal pleasure, we humbly submit it to H.M. consideration as proper for her service that he either return to Barbadoes to the exercise of his trust as soon as may be, or that H.M. be pleased to appoint another person in his stead. *Autograph signatures.* 1 *p.* [*C.O.* 28, 38. *No.* 37; and 29, 9. *pp.* 224, 225.]
- March 16. **958.** Sir Charles Hedges to the Council of Trade and
 Whitehall. Plantations. I herewith send you a draught of new Instructions for privateers *etc.*, and desire you to let me know if you have any objections *etc.* *Signed*, C. Hedges. *Endorsed*, Recd. Read March 19, 170 $\frac{5}{8}$. 1 *p.* *Enclosed*,
 958. i. Draught of Instructions to privateers, opening the trade with Spain, except in French or contraband goods and stores of war *etc.* 5 *pp.* [*C.O.* 323, 5. *No.* 73; and 324, 9. *pp.* 62-66.]
- March 16. **959.** W. Popple, jr., to Wm. Lowndes. The Council of
 Whitehall. Trade and Plantations desire you to move the Lord High Treasurer that they may have 100 copies of the Act for the importation of *Naval Stores from the Plantations*, so soon as it shall be printed, in order to the sending of them to the several Governors on the Continent, to be distributed in their respective Governments. [*C.O.* 324, 9. *p.* 61.]
- March 16. **960.** John Bridger to the Council of Trade and Plantations. In order to produce the Stores enumerated in the Act for importing *Naval Stores from America*, proposes that a Surveyor General of H.M. Woods and Naval Stores be sent over, to instruct the people in the way of making pitch, tarr, rozin and hemp; to restrain reckless cutting and burning of timber *etc.*, *etc.* *Endorsed*, Recd. Read March 16, 170 $\frac{5}{8}$. 2 $\frac{1}{2}$ closely written *pp.* [*C.O.* 323, 5. *p.* 72.]
- March 17. **961.** Jer. Clifford to the Council of Trade and Plantations.
 Fleet Prison. I sent your letter of March 12 to Messrs. Shepherd, but have heard nothing in reply, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Recd. March 19, Read May 2, 1705. 1 $\frac{3}{4}$ *pp.* [*C.O.* 388, 75. *Nos.* 117, 117.i.; and 389, 36. *pp.* 255-257.]
- March 20. **962.** W. Popple, jr., to W. Lowndes. *Applies* for 50 copies
 Whitehall. of the Acts for prohibiting trade with France and preventing

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traitrons correspondence, to be transmitted to the Governors in America. [C.O. 389, 18. p. 356; and 412, 549. p. 369.]

March 20. **963.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Return* Instructions for privateers [March 16] with suggested alterations, but we doubt whether these instructions can be made perfect till we have had the perusal of the two Acts of Parliament lately past in reference to the French and other foreign Trade. *Annexed*,

963. i. Proposed Instructions for privateers *referred to in preceding*. [C.O. 324, 9. pp. 66-71.]

[March 20.] **964.** Merchants, Commanders of ships and inhabitants of Newfoundland now in England to the Council of Trade and Plantations. Not being in England they could not give evidence against Lt. Floyd [*Lloyd*], for want of which he is ordered to the same post. He forced many to sign an instrument of his good behaviour *etc.* He purchased goods and sold them to the inhabitants at exorbitant prices, under threats. He frequently let out H.M. soldiers for fishermen *etc.* 26 signatures. 1 p. *Enclosed*,

964. i. Certificate that four of the *above* petitioners, Richard Davie, Pears Smith, masters, and John Mugford and Steven Diffirke, inhabitants of Newfoundland, made oath to the truth of their complaints. March 10, 1704(5). *Signed*, Fra. Whitchurch, Mayor of Bristol. *Endorsed*, Recd. Read March 20, 170 $\frac{1}{2}$. $\frac{3}{4}$ p.

964. ii. Copy of Minute of Council of Trade and Plantations relating to *above petition, etc.* 1 p. [C.O. 194, 3. Nos. 49, 49. i. ii.]

March 20. **965.** Depositions of R. Chester, of London, Merchant, and of B. Granville, late of Barbados, as to Governor Sir B. Granville's great expenses at Barbados and the difficulty he found himself in through H.M. unexpected Order restraining him from receiving presents from the Assembly. *Signed*, Robert Chester, Bernard Granville. March 20, 1704(5). *The whole endorsed*, Recd. March 22, 170 $\frac{1}{2}$. 3 pp. [C.O. 28, 7. Nos. 138, 139.]

March 21. **966.** Lt. Governor Usher to the Council of Trade and
Newcastle. Plantations. As to state of this H.M. Province, humbly refer to H.E. Col. Romer hath repaired the Fort, it is in a condition to receive an enemy. H.E. has put Major Walton Commander of the Fort, a person well qualified; there is great want of stores and men for the Fort. This winter H.E. sent about 300 soldiers above 200 miles in the countrey, to make discoverye of the enemy at their headquarters, many dayes marched in the snow, above 4ft. deep, when came to said place found it deserted, mett with a very large fort and very good Church, 60ft. long, all which they demolished; meeting with noe enemy they returned; the thing of great advantage to the country; the many repulses which the

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Enemy hath mett with by H.E. so discouraged them that all this winter have had no account of them, when formerly the greatest mischief they did was in the winter. H.E. designed now to be in the Province, but going by water met with a great storme; to save their lives forced to cutt all their masts, was six dayes on the sea before did gett a harbour; meeting with such a fateague and being ill, returned again to Boston. I hope H.E. by this conveyance will represent to your Lordships the hardships I have mett with in being these 15 years out [of] my estate, 1,038*l.* 18*s.* 1*d.* H.E. with much difficultye did gett my accounts referred to a Committee appointed by both Houses, who made their report, having considered objections by former Committees and my answer, reported above-said summe due for ballance, onely desireing may be explained how the mony paid for Sir Edmund Andrews [*sic*] salary did arise, my answer gave in writing to both Houses, when read, H.E. demanded of both Houses if they had any further to ask for satisfaction as to the accounts. Answered no; I then withdrew. Notwithstanding my accounts hath been strictly examin'd by several Committees and reportes made, I cannott obtaine an Order from the Government for payment thereof. Sir Edmund Andrews being the King's Governor, his sallary appointed by the King, hope my estate must not pay his sallary. I herewith send my answer to former Committee's exceptions to the accounts, and my answer to their report, onely wants your allowance and positive orders to Government for payment of ballance, which will be complied with, a deare Treasureshipp. I have desired one Mr. Newton to represent the matter to your Lordships. By reason of H.E. absence (weighty matters in other Government) I have been here summer and winter, hath been moved to Assembly to raise mony, for support of the Lt. Governour, they refused; seeing noe provision will be made for my support, shall returne to Boston, and there stay, untill I receive your Lordships' or Excellency's orders, any which shall be obeyed; when Mr. Partridge was in the Government he had 800*l.* *etc.* Formerly [*I*] was four years in Government, never had one penny; now above one year and one half, and cannot obtain any thing. Hope H.M. will take care to support her officers, if Province be not able; add but Boston, Rhode Island and Connecticut to this H.M. Government, by it better able to support and defend the same. The Council hath desired me to lay before your Lordships the Province, according to their uttermost abillitye, repaired H.M. Fort, do humbly pray your favour to lay before H.M. she would be pleased to grant 100 barrells of powder, and 100 small arms, with ammunition, and to send 40 men for the Fort, to be in H.M. pay. *Signed*, John Usher. *Endorsed*, Recd. June 25, 1706. Read 28 March, 1707. *Addressed*. 1 $\frac{1}{4}$ pp. *Enclosed*.

966. i. Lt. Governor and Council of New Hampshire to the Council of Trade and Plantations. Having considered H.M. commands about reforming H.M. Fort William and Mary at Newcastle, we humbly represent that wee have exerted the utmost of our power in erecting and maintaining a fortification upon the Great Island (*alias*

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Newcastle) at the mouth of Piscataqua River, which at this juncture of time is in a very good posture of defence, etc., but wee are very much wanting of powder and ammunition, and by reason of our poverty and the Indian warr, rendered very uncapable of supplying ourselves; wee are in great need of 40 souldjers to be kept constantly at said Fort, but not capable of maintaining them at our own charge, being reduced to the depth of poverty, and by the loss of our men with the salvages extremely weakned, which we humbly pray your Lordps. to represent to H.M. etc. *Endorsed as preceding.* 1 p.

966. ii. Minutes of Council and Assembly of the Massachusetts Bay, June 28, Nov. 3 and 9, 1704. Report upon Mr. Usher's Accounts. *Same endorsement.* 2½ pp.

966. iii.-v. Mr. Usher's Answers to exceptions made against the Accounts of John Usher, late Treasurer. June 28, 1704. *Same endorsement.* 4½ pp. [C.O. 5, 864. Nos. 166-171; and (without enclosures) 5, 912. pp. 330-334.]

March 21.
Crotehett
Fryers,
London.

967. S. Merrett to [? Mr. Secretary Hedges]. In obedience to H.M. commands, I humbly lay before your Honour my opinion for reducing the Fort of Placentia, the only Fort the French have in Newfoundland, the consequence of which will be the total ruin of their fishery. I humbly offer that 3 to 500 souldiers may be sent thither about the middle of July next under Capt. Lloyd, and that in case not above 300 souldiers be sent, he may have a power to take some of the inhabitants or their servants in the winter-time, when the fishery is over with them, and that during the time they are in service, they may be subsisted as the soldiers, for as that country admitts of no horse or water carriage, being full of woods and lakes, the men must carry the ammunition and provisions. When that place is reduced, *proposes* that a garrison and settlement be made there. *Proposes* that the souldiers, who are to relieve the garrison now [at St. Johns], may sail by May 20, whereby the enemy may have no umbrage of a greater force coming this year; and that the pretence of their design may be for Quebec etc. *Signed*, Solomon Merrett. *Endorsed* with memoranda of contents and queries for estimates [by ? Sir Charles Hedges]. 1½ pp. [C.O. 194, 22. Nos. 15, and (duplicate) 15.i.]

March 22.
Boston.

968. Governor Dudley to W. Popple. *Refers to plans as March 10*, and to enclosure, wherein Col. Romer "sets down 59 pieces of Ordnance of several sorts necessary. With which, if it were H.M. pleasure to send two able master gunners upon the English establishment, one for the Castle at this place, and the other for Piscataqua, it would be a very great favour." *Signed*, J. Dudley. P.S.—The 300 men (mentioned March 10) are returned from Noridgewock, the headquarters of the Eastern Indians; found the place deserted ever since Harvest last and their come

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standing; they destroyed the fort, in which they found a large Church and School-house, and lodging for a couple of fryers, besides the houses for the inhabitants. *Endorsed*, Recd. June 25, Read Dec. 11, 1705. 1 p. *Enclosed*,

968. i. Col. Romer's Account of the Ordnance in the Forts of New England and what is wanting there. April 29, 1704. (Castle Island: North and South batteries of Boston: Salem Fort: Marblehead: Fort Wm. and Mary, on Pisquataqua River: and Cascobay). *Signed*, Wolfgang Romer. 1 large p. *Endorsed as preceding*. [C.O. 5, 863. Nos. 133; 133.i.; and (without enclosure) 5, 912. pp. 16, 17.]

March 22.
Nevis.

969. Lt. Governor Johnson to the Council of Trade and Plantations. After the death of Sir W. Matthew, I believe by the carelessness of his servants several papers were lost, but what papers I have received I shall in all particulars observe *etc.* I shall by the next packet send the books of Acts from the several Islands, as well generall as particular, having taken all care imaginable in getting them ready, going from Island to Island to forward them, and have them transcribed for your Lordships as also the accompts of importation and exportation, with the lists as to the encrease and decrease of the inhabitants, and how many are able to bear arms. I shall likewise send the transcripts of all *Journalls* and other proceedings of all the Assemblies of these Islands with a duplicate of the Agreement with the French Governour of Martinique. They had of the English 200 or 300 prisoners, severall of them gentlemen of these Islands, and wee had of the French 49. I am credibly informed that there is at least 36 privateers to the windward of these Islands and Barbados, insomuch that it is morally impossible for any ship to escape them comming this way. I doe desire your Lordships would lay before H.M. the conveniency of a light vessell to attend the men of warr, the French vessells, when chased by the men of war, got into some creek being so neare thaire owne Island that there is danger in looseing H.M. ships, if we persue them to near. Whereas if such a light vessell might be sent out, wee should soe annoyne the enemy, that none of them would appear and wee could in 24 hours cleane so small a vessell, and a man of warr cannot be claned under 4 or 5 weeks, which is a great charge, and they are soone foul. As concerning the cause of Mr. Vanbell, I cannot as yet find any minute or proceedings in any record here, but shall make further search to send your Lordships an accompt per next. The Courts of Queen's Bench, Common Pleas, and Exchequer are all open, and that the true currency of justice may take place, Sir W. Matthew in his life having taken that especiall care to chuse such able and sufficient gentlemen to act in every the respective stations as Cheife Justice and Justices Assistance, which I shall continue still, and in consideration of the loss of time in thaire owne Plantations, and the expences in attending in the said Courts, the Council and Assembly of this Island have drawn a small doequet of fees to

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defray the charges into an Act, which will come to your Lordships per next. I return your Lordships my most hearty thanks for your care in having the Lieut. Government of Nevis confirmed upon me, *etc.* *Endorsed*, Reed. July 17, Read Aug. 10, 1705. $1\frac{1}{2}$ pp. [*C.O.* 152, 6. No. 16; and 153, 9. pp. 243-246.]

- March 22. **970.** Lt. Governor Johnson to [? Mr. Secretary Hedges].
Nevis. *Repeats part of preceding.* Orders regarding the Admiralty Courts, prizes and Spanish trade shall be strictly observed *etc.* I have erected and repaired several forts and platforms, but we have a very small quantity of guns to mount in them, and they are such as we are forced to burn in merchant ships, for in all these Islands there is but three 24 pounders and 5 or 6 18 pounders; all the rest not above 6 or 9. *Prays* that H.M. may send a sufficient number of 24, 18 and 12 pounders. 40 to each Island I believe would be sufficient, and two mortars, bombs, balls and carriages with all other utensils suitable to such a quantity. At the request of the Lt. Gov., Council and Assembly of Antigua, I am going up to finish several works that have been a doing a long time, and I have obliged myself to have them finished in 6 months, *etc.* *Signed*, Jon. Johnson. *Endorsed*, R. Aug. 6, 1705. $2\frac{1}{2}$ pp. [*C.O.* 184, 1. Nos. 2, and (duplicate) 3.]

- March 22. **971.** (1) Deposition of T. Foulerton, as to the high character of Col. Abel Alleyne, Col. James Colleton and Col. Joseph Pickering in Barbados. *Signed*, Tho. Foulerton.
 (2) Similar Deposition of R. Bate. *Signed*, Rich. Bate. *The whole endorsed*, Reed. Read March 23, 170 $\frac{1}{2}$. 2 pp. [*C.O.* 28, 7. Nos. 140, 141.]

- [March 23.] **972.** Affidavits, *signed* by William Terrill, Jno. Kirton, Roger Webb, Wm. Griffith, E. Bedingfield, and Tho. Maycock, and a testimonial by R. Grey (Lord Grey) as to the integrity of the Four Suspended Councillors of Barbados, George Lillington *etc.* *The whole endorsed*, Reed. Read March 23, 170 $\frac{1}{2}$. 7 pp. [*C.O.* 28, 7. Nos. 142-148.]

- March 24. **973.** Board of Ordnance to the Council of Trade and Plantations. Mr. Bell, H.M. Engineer at Jamaica, died in Dec. *Enquire* whether it is absolutely necessary to send another Engineer. *Signed*, Granville, Wm. Bridges, C. Musgrave, Ja. Craggs. *Endorsed*, Reed. Read March 26, 1705. 1 p. [*C.O.* 137, 7. No. 5; and 138, 11. pp. 386, 387.]

- March 26. **974.** Mr. Clifford to the Council of Trade and Plantations.
Fleet Prison. Encloses copy of his letter to Mr. Shepherd *etc.*, March 22, asking whether they intend to report on his accounts. *Signed*, Jer. Clifford. *Endorsed*, Reed. 26 March, Read May 2, 1705. $1\frac{1}{2}$ pp. [*C.O.* 388, 75. Nos. 118, 118. i.; and 389, 36. pp. 259-263.]

- March 26. **975.** W. Popple to Mr. Wharton. *Encloses* Order of Council,
Whitehall. Feb. 12, with a copy of the charge against the Government of Rhode Island, for their answer. *Annexed*,

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975. i. Charge exhibited against the Proceedings of the Chartered Government of Rhode Island. (1) The Government does not observe the Acts of Trade and Navigation, but countenances the violation thereof by permitting and encouraging of illegal trade and piracy. (2) Rhode Island is a receptacle of pirates, who are encouraged and harboured by this Government. (3) The Government harbours and protects soldiers, seamen and servants that desert from other H.M. Plantations; and will not deliver them up when they are reclaimed. They also give shelter to malefactors who make their escapes from other parts without delivering them up when demanded. Great numbers of the young men go out of the Massachusetts Bay and New York (where they are obliged to pay taxes for the support of H.M. Government and maintaining the war against the French and Indians) to Rhode Island, and are there entertained and induced to settle, chiefly for that no taxes are raised there for those necessary purposes. (4) The colony will not furnish their Quota towards the fortifying of Albany and assisting New York, the place of common security for all those parts, nor doe they give due assistance to the Massachusetts Bay against the French and Indians. (5) If any of H.M. subjects, being not inhabitants of this Colony, sue for a debt in the Courts, they can have no right done them if the Defendant be one of that Colony. (6) Under colour of their Charter they try robberies, murders and other crimes, make capital laws and punish with death without any legal authority for the same. Their proceedings in their Courts are very arbitrary and unjust. (7) They do not allow of the Laws of England to be pleaded in their Courts otherwise than as it may serve a turn for themselves. (8) They have refused to allow of Appeals to H.M. in Councill, and give great vexation to those that demand the same. (9) The Government have refused to submit to H.M. and H.R.H. Commissions of Vice-Admiralty, and for commanding their Militia, and have defeated the powers given to the Governors of H.M. neighbouring Colonies in this behalf. (10) When Col. Dudley went to Rhode Island to publish a Commission granted to him by H.M., by which he is impowered to command their Militia during the War, as likewise another Commission by which he is invested with the power of Vice-Admiralty, the Governour and Councill used indecent expressions towards H.M., saying they were insnar'd and injur'd, and would not give (nor have they since given) due obedience to the said Commissions. (11) When Col. Dudley desired to review their Militia, in order to the making proper regulations, he could not obtain any compliance from them, notwithstanding H.M. Commission,

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but on the contrary they say they would rather loose all at once and not by pieces. (12) The Quakers by their interest in this Government will not admit of any persons of estates or abilities into any places of publick trust. (13) Two privateers (Lawrence and Blew), commissioned by Col. Dudley, took a Spanish ship upon the coast of Cuba, which they brought into Rhode Island, where the men were debauch'd by that Government and prevented from sailing to their Commission Port, where they would have been made accomptable for H.M. dues and rights of the Lord High Admiral, and although he writ to the Captains, directing them to bring their said Prize to Boston, where they had received their Commission and their owners and sharers dwelt, there was no compliance therewith, but on the contrary the Receiver of H.R.H. dues was hindered from receiving the same. [C.O. 5, 1291. pp. 133-138.]

March 26. **976.** W. Popple, jr., to Sir H. Ashhurst. *Encloses following*
Whitehall. charge against the Government of Connecticut for their answer.
Annexed,

976. i. Charge exhibited against the Proceedings of the Charter Government of Connecticut. *Nos. 1-9 identical with the corresponding charges against Rhode Island in preceding.* (10) They have made a Law that no Christians who are not of their Community shall meet to worship God or have a Minister without lycense from their Assembly, which Law even extends to the Church of England as well as other professions tolerated in England. [C.O. 5, 1291. pp. 139-143.]

March 26. **977.** Council of Trade and Plantations to the Principal
Whitehall. Officers of H.M. Ordnance. We do think it absolutely necessary that another Engineer be sent to Jamaica. [See March 24.]
[C.O. 138, 11. pp. 387, 388.]

March 26. **978.** Council of Trade and Plantations to Governor Nicholson.
Whitehall. Since ours of Aug. 24, we have received none from you. We have had under our consideration the Collection of Bills we received with your letter of Oct. 22, 1703, and have made such alterations therein as we judged proper for H.M. service and the benefit of Virginia, upon which H.M. has been pleased to direct us that the said Bills thus amended be transmitted to you to the end that you lay them before the Council and Assembly together with those other Bills upon which no alterations have been made, that as well the one as the other may be past into Acts in the usual manner; and that you thereupon transmit unto us a compleat Collection of all the Acts so past, as also of such as have been past since the compiling the said Body of Bills, for H.M. further pleasure thereupon. We therefore enclose copies of such Bills or clauses as we have amended, together with a list

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of the whole with plain notes in the Margent, whereby you will easily perceive what is intended should be done upon each Bill, and we recommend the same to you to be layd before the Council and Assembly at the first opportunity, according to H.M. foresaid directions. In consideration of his great pains and charges, *etc.*, we recommended Mr. Jennings for an allowance of 200*l.*, besides the 100*l.* advanced him at his coming from Virginia, for which he has obtained warrants, and he having represented that his charges have been augmented by a longer stay here than was expected, and that he has sustained a considerable loss in the profit of his offices, and of part of H.M. allowance as one of the Council, as also by his long absence from his private concerns, we are of opinion that the allowance granted him is too small, but since it is not in our power to recommend his case a second time to H.M., we refer him to your favour, that you may bestow on him what suitable reward may fall in your gift, sufficient to defray his expences and losses, which we shall take kindly in respect to him, and think it may give encouragement for others readily to undertake H.M. extraordinary services as Mr. Jennings has done to our satisfaction. You are to take care that upon the passing the new Body of Laws and of any other Laws, the same be passed seperately, and so sent to us that H.M. assent or dissent may be signified thereupon in the same separate manner. *Enclose Acts of Parliament for prohibiting all Trade and Commerce with France, and for preventing all traiterous correspondence with H.M. enemies*, which you are to publish in your Government, and which will be a direction to you in all cases of that nature. We enclose several printed Acts of Parliament *for the encouraging the importation of Naval Stores into this Kingdom*, together with a letter from Mr. Secretary Hedges in that behalf, hoping for a good effect from this new undertaking. *Annexed,*

978. i. Index of enclosed Virginia Bills. *Memorandum subscribed* : The stile of enacting ought to be altered in all the Bills, vizt., "Be it enacted by the Governor, Councill and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same."

There ought to be an Act for settling of the fees of officers.

H.M. name to be inserted in all the Acts instead of his late Majesty. [*C.O.* 5, 1361. pp. 57-68.]

March 26.
Whitehall.

979. Council of Trade and Plantations to Governor Lord Cornbury. Since ours of Aug. 24, we have received two from you, Nov. 6., with papers said to be enclosed, except only the copy of the grant by King Charles II. of the lands from St. Croix eastward to the Duke of York. As to Mr. Mompesson's being Cheif Justice in the room of Mr. Bridges deceased, we do not doubt but that he will answer the character you give of him, and the expectation you have that he will discharge his duty, but do not think it needfull to apply to the Queen for her confirmation, not judging it to be either of use to your Lordship or advantage to him, since by the Commission given him by your Lordship,

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he is actually Cheif Justice, and entituled to the profits appertaining to that office. As to the account you give us of your hasty call from Jersey by an allarm at Albany upon some mistaken advice of the French Indians falling into those parts, we are very well satisfied to hear that the Militia was in a condition to anticipate your orders, and that even the neighbouring Indians show'd themselves so stedfast in their being ready to come in to their assistance if there had been occasion. As to the Assembly, we very much approve of your Lordship's care in preserving H.M. prerogative and ye rights of Government, and we hope your endeavours will prove effectual to bring them to that moderation and obedience that may most tend to the publick good. We conceive no reason why the Councill should not have right to amend all Bills sent to them by the Assembly, even those relating to money. But more particularly we cannot but blame the Assembly for their assuming a right to settle the value of coin (which as your Lordship observes, does incroach upon H.M. undoubted Prerogative). As to the raising or falling of coin, you have H.M. Proclamation, which we sent you June 29, which ought to put an end to all disputes upon that subject. We told your Lordship in our last, the difficulties we should meet with in representing your want of supplies of stores of war, not having been furnished by your Lordship with exact accounts of what you desire, as likewise of the consumption of those stores you have already had, which we desire you to send on the first occasion. In the meantime we do not find there has been any real occasion for the consumption of powder, and desire you for the future that the powder be frugally mannag'd, and no part thereof wasted in unnecessary salutes. H.M. expects you should move the next Assembly that they raise a fund for the purchasing of military stores and for the supplying other uses as the defence of the Province may require. We further observe that the soldiers having been once provided with small arms and accoutrements, those things are afterwards to be furnished out of their pay, so that such arms are not properly to be demanded of H.M. We have laid before H.M. the state of the Province in all respects as your Lordship gives it us and have represented *as Feb. 22.* We have further represented what your Lordship writes of the necessity of a man of war of 40 guns. And H.M. has instead thereof appointed 2 ships of a lesser rate which may be more usefull. Upon all which as we receive H.M. directions, we will not fail to acquaint your Lordship therewith. The Act *declaring the illegality of the Proceedings against Col. Bayard and Alderman Hutchins* has been observed by H.M. Attorney Generall to be defective in a very material point, for which reason we have not offer'd it to H.M. for her royal confirmation, but have proposed our opinion that the defect may be amended. We therefore send you our Representation, together with H.M. Order in Councill thereupon [No. 741], that you may take care accordingly, *etc.* *Enclose*, Petition of Capt. Nanfan [Feb. 15, '05]. We hereupon desire your Lordship to acquaint us what those Actions were which he mentions, and further that you would give

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such directions as may be fit, that no person whatsoever may in any manner hinder his correspondent from transmitting over hither the vouchers of his accounts, which he would refer to, and that your Lordship would give your assistance herein, for the expediting his affairs, his condition seeming worthy of compassion. *P.S.*—We enclose H.M. letter, by which your Lordship will be more particularly directed in the accounts you are to give of the publick stores. We have under consideration the business of New Jersey, as transmitted to us by your Lordship, and having communicated to the Proprietors here what to them appertains we hope to come to a speedy resolution thereupon. We likewise send you copies of 2 Acts past here the last Sessions of Parliament, for prohibiting all trade and commerce with France, and for preventing all traitorous correspondence with H.M. enemies, which you are to publish in your Government, and which will be a direction to you in all cases of that nature. We do likewise inclose to you severall printed Acts of Parliament for the encouraging the importation of Naval Stores into this Kingdom, together with a letter from Mr. Secretary Hedges in that behalf, hoping for a good effect from this new undertaking. [*C.O.* 5, 1120. *pp.* 278–286.]

March 27. **980.** Sir C. Hedges to the Council of Trade and Plantations. Cock-pitt. The Queen having been pleased to appoint Col. Park to be Governor of the Leeward Islands in the room of Sir W. Matthews deceased, it is H.M. pleasure that you cause a Commission and Instructions to be prepared for him for that Government. *Signed*, C. Hedges. *Endorsed*, Reed. Read March 28, 1705. $\frac{3}{4}$ p. [*C.O.* 152, 6. No. 8; and 153, 9. *p.* 93.]

March 27. **981.** W. Popple, jr., to Mr. Burchett. The Council of Trade and Plantations finding that there hath been much powder wasted by unnecessary salutes in some of H.M. Plantations, desire a copy of the regulation of salutes, in order to their giving directions to the Governors thereupon. [*C.O.* 324, 9. *p.* 71.]

March 27. **982.** Lt. Governor Usher to the Council of Trade and Newcastle. Plantations. Since mine of March 21, did order Samuel Penhollow, Treasurer, to gett his accounts of revenue redy to be sent for England by this conveyance, it being above one year since were sent, but he refused soe to do. In the accounts of Major Vaughan, considerable summs money paid without order Council. In Penhollow's account mony paid out of the Treasury for carrying on Walderon's case against Col. Allen, and several hundreds pounds charged for disbursments, when there noe account of one penny on file for same, *etc.* As to minnits Council, nott one halfe year since sent. Account of King's stores I here inclose. Col. Allen, March 23, had a tryal, before which H.E. (by providence God prevented being here) sent to me he was sorry cou'd nott be here to say over and again what he had formerly in Council opened, and directed Capt. Hincks to find a speciall verdictt; thatt the Courtt procede with other cases; and in case

1705.

Col. Allen desired further time to be staid and adjourn'd, to acquaint Mr. Hincks with same, all wch. was done; Coll. Allen proceeding with his case, in hearing of which the Council on both sides had a faire hearing, and all justice that could be granted; the case committed to the Jury, with copy of Queen's Order for a speciall verdictt, Jury brought in for Deft. costt Courtt; could nott expectt otherwise, the Judges and jurors persons which give money to Walderen to cary on his case. The verdictt being broughtt in and read, Coll. Allen by his Attorney moved the Jury be directed to finde specially, produced and offered the Queen's Order in Council for the Judges to direct Jury find specially, wch. they refused. I did before yc verdictt received and recorded, as Lt. Governor demand and require the Judges to directt the Jury to finde specially, pursuant to Queen's Orders, wch. they refused; and while Coll. Allen's Attorney and myself pressing for a speciall verdictt (they would nott read the Queen's Order and direction with the seal) butt in a contemptuous manner, and with greatt partiality and violence ordered the verdictt to be read, and recorded, and gave costt 5*l.* 7*s.* 0*d.* Coll. Allen appealed to Governor and Councill, wch. is to sitt 2nd Tuesday in May. To actt contrary to the Governor's directions to the Judges and mine, pursuant to Queen's directions under Seal, and doeing of it with contempt, hope H.M. will order the Judges to appear in England to answer for there contempt, and denying justice to the subjectt, with the case; itt will soon make them become more loyall and dutifull. *Repeats complaints of March 21.* No lodgings provided for me ever since arriveall mastt-ships, the carriage of people contemptuous, persons Councill affronting, disrespectfull to Queen's Commission, and in contempt refuse to attend in Councill when summoned, ytt [*? at*] moste meetings in Councill butt three or foure, not being able to uphold the Queen's Honor, and Councill declaring have nothing for H.M. service or country for me to doe, not being able to bare such affronts, the Province being in good posture of defence, I shall leave the Province till receive further orders from you. *Signed,* John Usher. *Endorsed,* Reed. June 25, 1705. Read March 28, 1707. *Holograph.* 1 p. [*C.O.* 5, 864. No. 172; and 5, 912. pp. 334-337.]

March 28.
Portsmouth
in America.

983. Col. Romer to the Council of Trade and Plantations. *Returns* thanks for leave to come home. My pen is not able to expres the calamities and contempts I have suffered and do still suffer. I wish Capt. Redknap may be happyer and meet with better treatment in avancing our Great Queen's service. Upon his arrival, I was just upon the finishing part of Piscataqua's Fortifications, but a severe winter ushering in retarded the worke, and there is now five or six weeks time required to accomplish it. I intend to return by the Virginia convoy. *Signed,* Wolfgang Römer. *Endorsed,* Reed. June 29, 1705. Read Feb. 28, 1707. 1 p. [*C.O.* 5, 864. No. 154.]

March 28.

984. Attorney General to the Queen. In obedience to your Majesty's Commands to Mr. Solicitor General and myself, I

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have in his absence reviewed our opinions given to the Council of Trade and Plantations, and have heard Thomas Mayeock and William Tyrrell on their petition, and the Agents for Barbadoes. The petitioners have alledged that by the standing orders, the Assembly may expell any member for misbehaviour, but no instance hath been given of any Member having ever been expelled. And there is another order, that every Member of that Assembly voluntarily absenting himself forfeits 4s. per hour to be paid to the Clerk of the Assembly, but not more than 20s. for one day, for non-payment whereof the Assembly have committed some of their Members, and the Agents for the Plantations have agreed that there is such an order, which is read and agreed to by the Members at the beginning of every Assembly, and by every new Member when he first comes into the Assembly, but that the same is not a binding order, being only an agreement of the Members that they will attend the Assembly under those forfeitures, and that there is no power to compel payment of them by imprisonment or otherwise. I am humbly of opinion that such an order hath not the force of a Law, but is only a private agreement among themselves in order to keep the Members of the Assembly together, and cannot exclude your Majesty from punishing the Members for their contempt of your Majesty's authority in absenting from the Assembly, as is expressed in our former Report. But whether the prosecution of an Assembly-man in the Courts of Justice of that Island without any application from the Assembly to your Majesty or your Governor there for that purpose, may not tend to your Majesty's disservice by creating an uneasiness in the present and all future Assemblys, and occasion an unwillingness to serve therein, is most humbly submitted to your Majesty. I have had no consideration of the particular case of the Petitioners, although they offered to have stated matters relating to their justification, the same depending before the Council of Trade, and not being referr'd to Mr. Sollicitor and myself. *Signed*, Edw. Northey. *Endorsed*, Recd. March 30, 1705. 2 $\frac{3}{4}$ pp. [C.O. 28, 7. No. 149; and 29, 9. pp. 275-278.]

March 28. **985.** W. Popple to Sir John Colleton, Bart. Sir B. Granville
Whitehall. having put Mr. James Colleton into the Council of Barbadoes, the Council of Trade and Plantations desire you to inform me whether you have any objection. [C.O. 29, 9. p. 226.]

March 28. **986.** Mr. Thurston to Mr. Popple. The discourse which has been for some time of the Company at Newfoundland being to be relieved, and that the Garrison there for the future is to be upon another foot, has made me defer laying my yearly demands before the Council of Trade and Plantations. I desire you will move their Lordships for their directions. *Signed*, J. Thurston. *Enclosed*, Recd. Read April 11, 1705. *Addressed*. 1 p. [C.O. 194, 3. No. 50; and 195, 3. pp. 410, 411.]

March 28. **987.** Sir Charles Hedges to the Council of Trade and
Whitehall. Plantations. I am commanded by H.M. to refer to your

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consideration *the following*. *Signed*, C. Hedges. *Endorsed*, Recd. Read March 30, 1705. 1 *p.* *Enclosed*,

987. i. Edmund Dummer to the Queen. *Prays* that his packet-boats to the West Indies may be exempt from paying powder-money and other duties there. 1 *p.* [*C.O.* 323, 5. Nos. 75, 75.i.; and 324, 9. pp. 81, 82.]

[March 29.] 988. John Bridger to the Queen. *Prays* to be appointed H.M. Surveyor of Woods and Naval Stores in America. [*See* March 16.] *Inscribed*,

988. i. H.M. refers this petition to the Council of Trade and Plantations for their report. St. James'. March 29, 1705. *Signed*, Ro. Harley. *Endorsed*, Recd. Read April 2. *The whole* 1 *p.* [*C.O.* 323, 5. Nos. 77, 77.i.; and 324, 9. pp. 83-86.]

March 29. 989. Order of Queen in Council. *Refer* enclosed representations concerning the ports of Virginia to the Council of Trade and Plantations. [*See Acts of Privy Council*, II. No. 965.] *Signed*, John Povcy. *Endorsed*, Recd. April 2, 1705. $\frac{3}{4}$ *p.* *Enclosed*,

989. i. Lord High Treasurer to the Queen. Treasury Chambers, March 19, 1705. I am of opinion with the [*following*] that it will be for the benefit of the Revenue to have a settlement of such ports and places as the merchants propose for the exclusive discharge and lading of ships to [*? at*] Virginia, but how far this settlement may be for the advantage of Trade in generall, etc., I conceive most proper to be considered by the Council of Trade and Plantations. *Signed*, Godolphin. *Copy*. 1 *p.*

989. ii. Commissioners of Customs to the Lord High Treasurer. Custom House, London, March 7, 170 $\frac{1}{2}$. *See preceding*. It has been found by experience that by the present practice of ships lying dispersed up and down, at the election of the masters, far remote from the officers' abodes, they have not been able to attend the due delivery and lading. *Pray* that the Governor of Virginia be recommended to establish ports by an Act of Assembly etc. *Signed*, T. Newport, Sa. Clarke, Wm. Culliford, Rich. Breton. *Copy*. 1 $\frac{1}{2}$ pp.

989. iii. Mr. Jenings etc. to H.M. Commissioners of Customs. *Propose* the settlement of Ports in Virginia *as above*. *Signed*, E. Jenings, Micajah Perry, Tho. Lane, Richard Perry, Jona. Mathew, Francis Willis, M. Corbin. 2 pp.

989. iv. Ports proposed by above:—2 in James River, 2 in York River, one at Williamsburgh, Rappahanock 2, Potomock 2, Eastern Shore 1. The particular places to be appointed by the General Assembly or Governor in Council. $\frac{3}{4}$ *p.* [*C.O.* 5, 1314. Nos. 45, 45.i-iv.; and 5, 1361. pp. 70-79.]

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March 29.
Admiralty
Office.

990. Mr. Burchett to Mr. Popple. In reply to March 27, *encloses* the last regulation about salutes with gunns, it being supposed that their Lordps. intend to regulate such salutes as the Governours of the Plantations shall have occasion to make, and not to interfere with anything therein which may relate to the Captains of H.M. shippes appointed to attend the sayd Plantations. *Signed*, J. Burchett. *Endorsed*, Reed. March 30, 1705. *Addressed*. 1 p. *Enclosed*.

990. i. Copy of regulations as to salutes, March 3, 170 $\frac{1}{2}$, *referred to in preceding*. 10 pp. [C.O. 323, 5. Nos. 74, 74.i.; and 324, 9. pp. 72-81.]

March 29.
Tower of
London.

991. Mr. Bridges to Mr. Popple. *Encloses following*. *Signed*, W. Bridges. *Endorsed*, Reed. Read March 30, 1705. 1 p. *Enclosed*,

991. i. Printed Instructions to H.M. Governours and Commanders of Forts *etc.* relating to salutes. *Signed*, W. Blathwayt. With Order of Council as to same. March 13, 1689. 6 pp. [C.O. 323, 5. Nos. 76, 76.i.; and (without enclosure) 324, 9. p. 83.]

March 29.
Whitehall.

992. Council of Trade and Plantations to the Queen. *Report upon* the complaints of the absenting Members of the late Assembly of Barbadoes, and of the Four Suspended Counsellors, against Governor Sir B. Granville. We have several times been attended by Col. Maycock and Col. Tyrrel (two of the complainants who signed the first petition against the Governour) and by other Merchants and Planters of Barbadoes, as also by the Agents of that Island and severall gentlemen who appear in vindication of the Governour, and have also severall times heard both parties by their Councill, who have exhibited to us severall affidavits to prove the [*complaints made*]; and we do thereupon humbly take leave to represent to your Majesty what has been offer'd to upon the severall heads as follows: (1) *As to Article 1*, which relates to the harrassing the Militia, the complainants have produced to us the depositions of the said Maycock and Tyrrell, and of Lawrence Row and John Curl, *etc.* In answer, the Agents for the Governour have objected against the evidence of Col. Maycock and Col. Tyrrell, as having signed the first petition, and being therefore parties concerned. They objected against the evidence of John Curl, for that it had been directed by the Assembly of Barbadoes that the said Curl should be prosecuted for perjury. In proof whereof a Minute of the Assembly of Aug. 24, 1704, was produced. The Agents for the Governour insisted that it being a time of war and the Island exposed to the enemy, it was the Governour's duty as Capt.-Generall to keep guards upon the coast and elsewhere; and they produced the Minutes of Councill of Jan. 18, and Feb. 8, 170 $\frac{1}{2}$, whereby it appears that the Councill and the Collonels of the Militia (of which number were two of the complainants, Maycock and Kirton), did unanimously declare that it was absolutely necessary that a constant guard should be kept on the coasts, without

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which they were of opinion the Island could not be safe. Upon examination of this article we find that the Governour as Captain Generall has not harass'd (as the complainants express it) the Militia, but ordered them as the safety of the Island and your Majesties' service required in this time of war and of continual alarms. (2) As to the second article, that the Governour had endeavoured to procure the passing of a Bill in the Assembly for raising two Companies of Granadiers, whereby he would have drawn an advantage to himself, the complainants have produced to us the affidavits of the said Col. Maycock and Col. Tyrell that they beleave that the reason for putting the Militia upon hard duty was to induce the Assembly to pass an Act for the raising two Companies of Granadiers as aforesaid, to keep guard in the fortifications under certain allowances of provisions and pay, which, by a clause in the Bill, were to be satisfied and attributed to the Companys by such persons as the Governour should appoint, whereby as they alledge the Governour would have got 3,000*l*. and might by this means have evaded your Majesties commands restraining Governours from receiving presents from General Assemblies. For that provisions might have been purchased at a cheaper rate then the money allotted for this service amounted unto. They have likewise produced the affidavits of Mr. Guy Ball and Mr. William Heysham [see March 2]. In answer whereunto the Agents for the Governour aver that this Bill was not brought in by the direction or at the desire of the Governour, but by the Assembly themselves, in order to ease the inhabitants from the hard duty of guards, which must have been kept without this provision. They produced the affidavits of Mr. Alexander Walker, Col. John Holder and Mr. John Harper, Members then of the Assembly, that Mr. Kirton, Mr. Maxwell and Mr. Gretton (three of the complainants) were appointed as a Committee to draw up and bring in the Bill; and that when the question was put upon a clause in that Bill, what summ should be deposited in the Governour's hands for getting of intelligence, Col. Maycock and Col. Kirton, two of the complainants, voted that the summ might be 1,500*l*., and Col. Tyrell, another of the complainants, voted it might be 1,000*l*., whereas it was carried by the majority but for 200*l*. The Agents for the Governour further observed that this charge was but a bare supposition, for the complainants only pretended that the Governour might have made an advantage of 3,000*l*. by that Bill, in case it had passed. But to clear the Governour from that imputation they further produced the affidavits of Col. Sharp and Col. Johnstown, Members of your Majesties Council, that the Governour declared to them, and desired them to acquaint their friends in the Assembly, that in case the Bill passed that House and was brought up to the Council, if he, the Governour, found anything in it that looked like an advantage to himself, he would expunge the same, or not pass the Bill. And that he had said the same thing to the Council. They further alledged that according to the intent of the Bill, the Governour could not make this supposed advantage to himself, for that the person to be

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appointed by him for the disposal of this money, was still accountable by Law for what might have been saved by the provisions, though no particular mention were made thereof in the Bill. It does not appear by any evidence offered to us that the Governour procured the bringing in this Bill to the Assembly, and the said Bill not having been brought up to the Council where the Governour presides, we do not find that he gave any approbation or countenance thereunto. *As to the Articles 3 and 4*, relating to the turning out of Officers, and putting others unqualified in their places. *Analyse affidavits of Col. Maycock, Col. Terrill and L. Row* [see March 2]. To which it is answered by the Agents in behalf of the Government that they were not displaced for voting against the said Bill, but because they continued obstinate in absenting themselves from the service of the Assembly, notwithstanding the frequent admonitions of your Majesty's Governour and Council, and the endeavours of the major part of the Assembly to reclaim them to their duty, which occasioned a total cessation of business in the Assembly, to the great prejudice of your Majesty's affairs, and that this practice of Members absenting themselves from the service of that House was not occasioned by the foresaid Bill, for that it appeared by the Minutes of the Assembly, that from Oct. 27, 1702, to Nov. 24 following, and from Jan. 7, 1703 to March 2 following (those two spaces of time making three months) the Assembly was forc'd to adjourn themselves by five severall adjournments; and this happened before the arrival of Sir B. Granville. Upon which we humbly offer that this combination and practice of Members absenting themselves from the Assembly, and thereby hindering the progress of the publick business, is destructive to the ends of Government, as we represented at large to your Majesty Oct. 26, 1704, and we take leave to add that the said persons did justly merit the discountenance of your Majesties Governour by his removing them from their respective employments in that Island. (5) As to the Governour's receiving of presents, *quote affidavits of Col. Maycock and Col. Terril, March 2*. In answer to this Article, the Agents for the Governour alledged that the 600*l.* was really given for reimbursing the Governour, according to the particulars mentioned in the Minutes aforesaid, and to shew that the Assembly did understand it so, they produced the latter part of the said Minute, omitted by the complainants, which are in the words following, "And that the same do not exceed 600*l.* sterling, yet if the expences aforesaid surmount that summe, a further allowance should be made," They produced the affidavits of Col. John Holder and Mr. George Harper (Members of the then Assembly) that to the best of their remembrance Col. Maycock and Col. Tyrrell (two of the complainants) thought these charges so reasonable that when the question was put what summ should be allowed, they voted for 1,000*l.*, whereas ye summ of 600*l.* only was carryed by ye majority and that ye complainants seemed afterwards concerned it was not carry'd for 1,000*l.* And as for the present of 500*l.*, they alledged that it was only in wine and provisions for the Governour's reception

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and accomodation, according to the Minute. Upon which we are humbly of opinion that as to the 600*l.*, though said to be given for flaggs of truce and other publick uses, and particularly for the reception and entertainment of his family till a house should be appointed, yet the Governour receiving the said summ has not conformed himself to your Majesties Instructions, and as to the 500*l.* said to be allowed him for supplying his celler with liquors, tho' it be averred by the Agents for the Governour that he had spent a great quantity of his own liquor upon his arrival at the Island, and that this supply was as well for the entertainment of the Councill and Assembly, as for his own particular use, and that such entertainment had always been customary, yet we conceive that herein also the Governor has not duly observ'd your Majesty's Instructions, by which he is forbid to receive presents of any kind, or from any persons whatsoever. As to a present said to be made to the Governour by the Jews, the complainants have not offer'd any proof to make out that charge. And as to the alterations deposed to be made at the Governour's desire in the Minutes of the Assembly, we do humbly offer that the Governour may be acquainted with this charge and return his answer thereunto. As to Article 6, that the said Governour favours Scotchmen, we do not find that he has made any national distinction between your Majesty's subjects in the disposal of places. Nor have the complainants produced any evidence of the Governor's having received presents from any of the Scots nation. As to the Article relating to Mr. Francis Lee's having been forcibly brought off that Island by Capt. St. Lo, we have [see Jan. 11] particularly heard and examined that matter. Lee has exhibited to us his affidavit, setting forth that he has for 7 years last past practised as a Solicitor at Law in the Island of Barbadoes, and was intrusted with the deeds and titles of severall considerable persons' estates, that on Sep. 16, 1704, being on duty as an Ensign of the Militia, he was sent for several times under pretence of his settling the affaires of a private person; that soon after going from his post, he was violently seized by Nicholas Wanley, Lieut. of H.M.S. *Dolphin*, and hurried aboard the said ship, that he there demanded of Capt. St. Lo the cause of that proceeding and desired to be set on shore, which the said Captain refused, pretending he was a stranger to the matter, and would the next day inquire into it; that he acquainted Captain St. Lo with his circumstances, and that severall persons, with whose papers he was intrusted, would be sufferers by his detention, and again desired to be released, which the said Captain still refused; that the said Captain carryed him to Nevis, where he was set on shore, and there meeting with Col. Maycock and Col. Tyrrell, two of the complainants, on board your Majesties ship the *Blackwall*, they indeavoured to perswade him the said Lee, that Sir. B. Granville was concerned in his being so brought off, and that if he should return to Barbadoes, those that had so contrived his ruine, would endeavour to destroy him, which so terrified him that he came to England in company of Coll. Maycock and Tyrrell. To which Lee added that he believes the reason for his being thus brought

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away was because he was to have been an evidence against one Slingsby for severall evill practices in Barbadoes, and for that he had begun a suit against the said Slingsby. On the other side Capt. St. Loe presented to us his affidavit *[quoted]*. And Capt. St. Loe being asked by us, why he would take upon himself to impress any man in the Plantations, he answer'd that he had no Instructions to the contrary, and that he had prest no other person besides the said Lee, not wanting men, nor would have prest him, had it not been at the instigation of Skene. Upon which we are humbly of opinion that Capt. St. Loe, in taking the said Lee from off the Island, has acted in a violent and unwarrantable manner, such proceedings causing great terror to your Majesties subjects inhabiting the Plantations; that Alexander Skene, Secretary of that Island, is guilty of a great misdemeanour in contriving and abetting the carrying off Lee from his profession and dwelling; that as to what Capt. St. Loe alledges, that he acquainted the Governour of his having prest the said Lee and carried him on board, the Governour ought not to have consented to his being taken from the Island, but on the contrary, should have endeavoured to prevent the same. As to Article 8, whereby Skene is charged with taking irregular fees, the complainants produced to us the affidavit of William Bayly and Henry Keys *quoted*. To which the Agents for the Governour reply, that this matter wholly regards Mr. Skene, and noe ways effects the Governour, who is not concerned in the fees of the Secretary of the Island, and that if Mr. Skene in this particular has been faulty, he is punishable by the Laws of the Island. Whereupon, we finde by the two depositions before mentioned and the concurrent testimony of several merchants, that Skene has required more fees for permits to outward bound ships than usual, which laying a new burthen upon trade, we are of opinion that the Governour and Council be directed to call before them the said Skenen, and likewise all persons herein concerned, that they make a strict enquiry into this complaint, and that they transmit a true account thereof for your Majesty's final directions thereupon. As to Article 9, wherein it is set forth by the complainants, that Col. W. Holder has by the Governor been appointed Chief Judge of the Court of Common Pleas of St. Michaels and been admitted by him Speaker of the Assembly, although he is not known to be of any Christian community, nor has ever been baptized; the Agents do affirm that Holder was appointed Judge of the said Court in Council, and have produced to us the Minutes of Council of March 16, 1703, to that effect and that he was twice chosen Speaker by the Assembly. It appears to us that Col. Holder was appointed Chief Justice in Council, and that he was twice regularly chosen Speaker by the Assembly. And as to his having not been christ'ned, the complainants have not undertaken either here or in Barbadoes to prove that allegation; so that it does not appear to us, that the Governour is affected by this Article. As to Article 10, that the Governour had not caused expeditious justice to be done in a particular case, upon which complaints have been made to him against Col. Holder,

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then Speaker of the Assembly, *quote Col. Maycock's affidavit March 2.* In answer to which Col. Cleland, in behalf of the Governour, affirms that the petitioner before mentioned had refused to sign the petition wherein he gave the information against the said Holder, and had desired that the said petition might not be examined (the matter of fact therein contained being false), that the petitioner had told him, Cleland, that he was put upon presenting that petition by the complainants, and he added that the person said to have been murder'd had been seen severall times since the presenting the said petition. We do not find that the Governour deserved any blame, or that he did hinder the regular proceeding of justice in this case, besides that it does not appear to us that any man was killed, or the soldiers cruelly used by Holder. *As to Article 11,* that the Governour used indirect proceedings in the elections of the Assembly-men, the complainants, Col. Maycock and Tyrrell, produce their own affidavits, as likewise those of Lawrence Row, John Curl, and Francis White [*quoted*], that on the day of election for the parish of St. Lucy's, where Col. Maycock and Col. Tyrrell stood candidates, many of the freeholders were kept on the guard, and such only permitted to poll as would vote for the other candidates; notwithstanding that Saml. Osburn, who that day commanded the guard, was desired by Maycock and Tyrrell to permit all to come who had a right to vote, and that he refused it, saying his orders were not to suffer them to stir: that William Gourdon, who was appointed by the Governour to execute the writ of election, in the room of Mr. Tyrrell, at that time suspended from the Council, refused to swear a voter according to the Law of the Island, and under pretence of being affronted, shut up the poll 4 hours sooner than he ought to have done, whereby 30 voters were excluded from polling; for which service of the said Gourdon's he was prefer'd from a place of 80*l.* a year to a place of 100*l.* In answer to this Article, the Defendants have produced the petition of William Gourdon to the Governour, setting forth the injurious affronts he received from Maycock and Tyrrell, particularly that they violently or forcibly wrested from him the holy Bible and the book of Laws, denying him to act as the Law had appointed; whereupon the petitioner, finding himself unlawfully restrained, shut up the poll, whilst Maycock and Tyrrell continued to collect the votes of the freeholders, and declar'd that notwithstanding the Governour had appointed Gourdon to act as Sherrieff, they would act as they pleased, swear whom they pleased, and order the proceedings of the election as to them should seem proper. The Agents further referr'd themselves to the Minutes of Assembly August 24, 1704, whereby it appears that upon the hearing of the petition of Maycock and Tyrrell in relation to the said election, the Assembly voted Maycock and Tyrrell guilty of using violence to the Sheriff and menaces to other people there, and that accordingly the Assembly voted that Maycock and Tyrrell were not qualify'd according to Law to be elected Representatives for the said parish for that year. The Agents for the Governour further offer'd that in case the matter of the complaint as stated in the

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petition were true, it does not affect the Governour, for that it does not appear that he was any ways concerned therein. Upon this Article, we do not find that the Governour was otherwise concerned in this election than in issuing out the writs, as his duty obliged him, and as to what tumults and irregularities might have happen'd at the said election, the same having been brought before the Assembly as usual, where the case was adjudged against the complaints., we have nothing further to answer thereupon. *As to Article 12*, that your Majesty's ships of war attending that Island had been diverted from their proper service, and that the Governour stopt a convoy and a fleet from sayling upon application and presents from particular persons, the complainants produced the affidavits of Capt. Martin and Guy Ball [see March 2]. The Agents on the Governour's behalf observed that Mr. Ball does not swear positively that the Governour had the money, and that therefore what Mr. Skene transacted in that matter ought not to be imputed to the Governour; that the Governour granted the order for stopping the fleet upon a petition signed by 24 merchants and others concerned, which petition Mr. Ball acknowledg'd himself to have signed and delivered. Upon which we humbly observe that what is alledged by Capt. Martin, that the Governour expected any number of negroes or other presents from the Captains of your Majesty's ships of war upon their taking any prizes is only by hearsay from a third person, and as for what the Governour intimated to Martin, that he could make an advantage of a third ship, we have only the deposition of Martin, to which the Governour has not had an opportunity of returning his answer. Further, the Governour before we received this affidavit had sent over a charge of misdemeanors against Martin, for which Martin is to be tryed by a Court Martial. To what Mr. Guy Ball deposes, that he gave the sum of 210*l*. to Mr. Skene, for obtaining a stop of the merchants ships for some days, we are humbly of opinion that it is not only a very great accusation against Skeene, but a reflection upon the Governour; whereupon we offer that the Governour be required to make an answer for his own justification in this matter, which otherwise will deserve your Majesty's highest displeasure, and as to Sken, against whom there is personal evidence of Guy Ball, that he gave the money into his hands, we do represent him as unfit for the trust he holds from your Majesty, in case, upon receiving the copy of this and the other depositions against him, he shall not be able to clear himself from the foresaid accusations. And whereas the Complainants do in the general alledge, that many considerable traders in the Island are so much dissatisfied with the proceedings of the Governour that some have already left the Island, and others are preparing to do the same, the Agents in behalf of the Governour have laid before us the copy of an Address presented to your Majesty from the Members of your Majesty's present Councill and Assembly, in behalf of themselves and the rest of the inhabitants, wherein they render their most humble thanks to your Majesty for your bounty and favour in appointing

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Sir Beville Granville their Governour, and further taking notice that the complainants and others have endeavoured the subversion of the Laws and Government, and having been discountenanced in their irregular proceedings therein, were exasperated to petition against the Governour, humbly praying your Majesty to continue him in that station. They further offered us a petition of several gentlemen, merchants and planters now in England, who have estates in the Island of Barbadoes, setting forth that they are convinced that the said Governour hath ever since his entrance into the administration of that Government, behaved himself with all possible diligence, fidelity and care for your Majesty's service, and with impartial justice and moderation for the true interest and welfare of your Majesty's subjects in that Island. We further take leave humbly to represent to your Majesty, that we have gone through divers examinations, in obedience to your Majesty's Orders of Councill, refering to us several petitions of George Lillington, Michael Tyrrell, David Ramsay and Benjamin Cryer, suspended by the Governour from your Majesty's Councill, and praying to be restored to their places; upon all which we humbly offer that the Governour being obliged by his Instructions, upon suspending any of the Councill, to give reasons and transmit his proofs for his so doing, we find that the Governour has suspended the said Counsellors for acting with and privately countenancing those Members of the Assembly from whose irregular proceedings and contrived absence the Island was brought under the greatest distress, and the usual revenue discontinued, which correspondence he conceived to have amounted to faction against the Government; and we humbly conceive that in that difficult juncture of affaires the Governour had reason to suspend them from the Councill. But whereas the said Counsellors have publickly disavowed any such combination or contrivance, and declared their dislike of these irregular proceedings of the said Members of Assembly; upon consideration also that the suspension itself has been so far a punishment, we humbly offer that it may contribute to your Majesty's service and to the peace and quiet of that Island that your Majesty signify your royall pleasure to your Governour that the said Counsellors, making a due and respectfull submission to him and declaring their resolution of laying aside all personal animosities, and contributing to the utmost of their power to the publick good, your Majesty's Governour do re-admit the said persons to their former places in the Councill. We further beg leave to observe that upon the re-admission of these 4 Counsellors, those which the Governour has appointed in their room may have your Majesty's confirmation, in which case the Counsellors residing upon the place will not exceed the usual number of 12. And whereas the petitions above mentioned of the suspended Counsellors doe likewise contain matters of complaint against the Governour, upon which your Majesty had ordered letters to be prepared for the examination thereof in Barbadoes, we humbly represent that these complaints are to the same effect with those made by the Members of the Assembly, which together with our

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humble opinion we have laid before your Majesty in this report.
[C.O. 29, 9. pp. 227-275.]

March 29. **993.** Capt. Lloyd to [? *Sir Charles Hedges*]. Placentia may be taken, if surprised, by 400 soldiers, with the assistance of the inhabitants. [See *March* 21.] Makes proposals for supplies, etc. for the attempt, and offers to command. *Signed*, Tho. Lloyd. *Endorsed*, R. April 2, 1705. 2 pp. [C.O. 194, 22. Nos. 16, and (*duplicate*) 16.i.]

March 29. **994.** Mr. Secretary Hedges to Governor Handaside. Whitehall. Sir Salathiel Lovell, Recorder of London, whose son is Major of your Regiment, being desirous to have him stay in Jamaica, and H.M. thinking it for her service that he should do so, I am to desire you will use your endeavours to persuade him to it, but not to let him know that this is done at his father's request. You will find that H.M. has by her Declaration in Council of 15 inst. resolved to open a trade with Spain, and it seeming to be more particularly beneficial to her subjects in the West Indies, I do not doubt you will give all the encouragement to it you can. *The last paragraph was writ* to Governor Sir B. Granville, the Commander in Chief of the Leeward Islands, and Capt. Bennet. [C.O. 324, 30. p. 26.]

March 29. **995.** Order of Queen in Council. Granting leave to James Hannay, Provost Marshall of Barbados, to be absent for one year for the recovery of his health, upon leaving a sufficient deputy, etc. *Signed*, William Blathwayt. 1 p. [C.O. 28, 38. No. 38.]

[March 29.] **996.** Draft of warrant for Mr. Hannay's leave of absence, as in preceding. 1 p. [C.O. 28, 38. No. 39.]

March 29. **997.** Council of Trade and Plantations to the Queen. Whitehall. *Enclose following,*

997. i. Draught of a Commission to Daniel Park to be Governor of the Leeward Islands. *Similar to Governor Codrington's Commission abstracted C.S.P.* 1699. No. 382, q.v. *Add* : With the advice and consent of the Councils respectively to summon Assemblies of Freeholders and Planters jointly or severally within any of the Islands according to the custom and usage of the said Islands. Members of Assembly to take the oaths appointed. They, with the advice and consent of the Governor, or in his absence, of the Lieutenant-Governors and Councils respectively, to make laws which are to be agreeable to the Laws of England. The Governor and in his absence the Lieut.-Governors to appoint Judges, Justices, Sheriffs, etc., and to cause to be administered to them such oath and oaths as are usually given for the due execution and performance of offices and for the clearing of truth in judicial causes. The Governor to have power to raise

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Militia and transfer them from one Island to another or to any of our Plantations, if necessity should require, for defence against invasions, pirates and rebels. Power to build and fortify cities, towns and forts. In case of the Governor's death or absence, the Lieutenant-General of the Islands to administer the Government, and in case of the death or absence of the Governor and Lieut.-General, the Lieut.-Governor of Nevis; and in the absence of these, the President and Council of Nevis, the first nominated Councillor to preside. [*C.O.* 153, 9. *pp.* 94-117.]

March 29. **998.** Order of Queen in Council. Mr. Secretary Hedges to St. James's. prepare a warrant for H.M. signature for passing Governor Park's commission as above. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read May 2, 1705. 1 p. [*C.O.* 152, 6. *No.* 12; and 153, 9. *pp.* 135, 136.]

March 31. **999.** Lt. Governor Bennett to the Council of Trade and Bermuda. *Repeats part of letter of Dec. 28.* In mine of Jan. 31, I acquainted your Lordships that on Jan. 5 arrived here Capt. Jones, with the duplicate of H.M. Order to take off his suspension and to remit the fines imposed on him. To all which obedience has been shown. He demands an account of perquisites from those that executed the offices of Secretary, Provost Marshall and Sheriff during the time of his suspension. I find nothing mentioned of that in the order, and I presume it is not expected people should act in those stations for nothing. As for Mr. Minors, whom I put in Secretary, he officiated as his Deputy before suspension, but often told him he would quit it, as not being worth his while. The Provost Marshall who officiated at Capt. Jones, his return, was a person whose affairs called him to sea as Master of a vessell, which employmt. he quitted, under expectation of the advantages accruing by those offices, so that I desire your Lordships' directions herein, those two persons insisting on their rights to perquisites of their several places, Capt. Jones being suspended from his places and benefits thereof. *Repeats passage from letter of Dec. 28, 1704.* On Feb. 13 Capt. Jones delivered me a paper in the nature of a remonstrance, which I have now transmitted with my answer to it and proofs accordingly. I am concern'd at what I foresee, which is, that your Lordships will again be troubled with examining into the discontents and differences that will be represented from hence, occasioned by malicious and designing men. All I beg is that what comes relating to me may have no credit, till I have had the favour and opportunity of answering to my charge, I defying the most malignant of my enemys rightfully to accuse me with either wilfull injustice or partiality, any immoral act, vicious or undecent behaviour, neglective to promote the honour and interest of the Church, or anything else that's required of me, either in point of my duty to H.M., or what's becoming a Man and a Christian. I have received the duplicate of your Lordships'

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packet of Aug. 24 last (but the original is not yet come to hand) which I have not time now fully to answer. In one part of your Lordships' letter you require my reason for not transmitting the Act against bastards with the rest on Oct. 19, 1703, which was that by the words of that Act (with submission I think) it was no further penal nor in force, but upon such as should commit bastardy within 9 months after publication: the words from the record being as followeth, (viz.) "Be it enacted by the Governor, Council and Assembly, and hereby it is enacted by the authority of the same, that in case any bastard shal at any time or times hereafter within the space of 9 months hence after publication hereof be committed in these Islands that then, etc." Besides I conceive that Act (and pray your Lordships' consideration thereon) would rather encourage vice than prevent it, for no person that was able to pay the penalty therein prescribed, would ever be exposed, whenas if all were equally to suffer alike (as the law in such case directs) it would be a much greater restraint than tollerating it by setting a price on sin. *Signed*, Ben. Bennett. *Endorsed*, Recd. 6th, Read Aug. 10th, 1705. 4 pp. *Enclosed*,

999. i. Copy of Mr. Jones' Remonstrance (*referred to in preceding*) with Col. Bennett's reply. *Endorsed*, Recd. Aug. 6, 1705. 3½ pp. [*C.O.* 37, 7. Nos. 9, 9.i.; and 23, 25; and (*without enclosure*) 38, 6. pp. 127-134, 173-175; and (*enclosure only*) 37, 26. No. 6.]

March 31. **1000.** Copy of Mr. Jones' paper of claims with answers thereto. *Referred to in preceding. Endorsed*, Recd. Nov. 14, 1705, Read May 28, 1706. 18 pp. [*C.O.* 37, 7. No. 25.i.]

April 1. **1001.** Lt. Governor Bennett to [? *Sir Charles Hedges*], Bermuda. *Repeats parts* of letters of March 31 and April 4, relating to Edward Jones. *Signed*, Ben. Bennett. *Holograph*. 2 pp. *Enclosed*,

1001. i. Abstract of papers relating to Capt. Jones transmitted to the Secretary's Office [*see March 31 and Apr. 4*]. 5 pp. [*C.O.* 37, 26. Nos. 11, 12.]

April 1. **1002.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. I presume with this Mr. Noden lays before your Lordships several papers relating to Capt. Jones [*see Dec. 28*]. I hope I shall not be adjudged a promoter of his prosecution by transmitting them, which I could not reasonably avoyd, the Assembly addressing me soe to doe. *Signed*, Ben. Bennett. Recd. Nov. 28, 1705, Read Feb. 4, 1706. *Holograph*. 1 p. [*C.O.* 37, 7. No. 12; and 38, 6. p. 146.]

[April 2.] **1003.** Sir John Colleton to the Council of Trade and Plantations. Since H.M. Order to the Governor of Barbados to appoint some disinterested person to try his case, James Colleton still prevents the trial by unjust delays, and to that end now endeavours to get himself appointed one of the Council

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of that Island. *Prays* that H.M. Order may be observed, *etc.*
Endorsed, Reed. Read April 2, 1705. 1 p. [C.O. 28, 7.
 No. 150.]

April 2.
 Cockpit.

1004. Mr. Secretary Hedges to the Council of Trade and Plantations. I am to signify H.M. pleasure that you prepare a draught of a Commission and Instructions for Col. Edward Nott to be Governor of Virginia, to be laid before H.M. *Signed*, Ch. Hedges. *Endorsed*, Reed. Read April 2, 1705. $\frac{3}{4}$ p. [C.O. 5, 1314. No. 46; and 5, 1361. p. 69.]

April 2.
 Whitehall.

1005. Council of Trade and Plantations to Mr. Secretary Hedges. In answer to yours of March 28, we propose that a letter (the draught whereof is here enclosed, *see* April 20), be sent by yourself or us to the several Governors for the exempting those packet boats from the powder duty. But as for other duties for goods to be landed by them, we are of opinion that the said packet-boats should be equally liable as other trading vessels. [C.O. 324, 9. pp. 86, 87.]

April 2.

1006. Copy of Minutes of Council of Jamaica, April 2, relating to exchange of prisoners. $2\frac{1}{4}$ pp. [C.O. 137, 45. Nos. 63; and (duplicate) 63.i.]

April 3.
 Whitehall.

1007. Council of Trade and Plantations to Mr. Secretary Hedges. Enclose draft of Circular Letter to Governors on the Continent of America, relating to Naval Stores [*see* April 20]. [C.O. 324, 9. pp. 88-90.]

April 3.
 Whitehall.

1008. Council of Trade and Plantations to Mr. Secretary Harley. *Recommend* that Mr. Bridger be appointed Surveyor General of the Woods [*see* March 29]. [C.O. 324, 9. pp. 90, 91.]

April 4.
 Bermuda.

1009. Lt. Governor Bennett to Mr. Popple. *Repeats* part of letter of March 31. Capt. Jones will not have the patience to stay their Lordships' directions as to the profits of his Offices during his suspension, for he has commenced an action against one of the tenants and also against the Marshal I made so since he was suspended. *Acknowledges* letter of Nov. 30, received yesterday. I am concerned their Lordps. think me negligent, for I am continually a writing and never do miss any opportunity of sending *etc.* *Enumerates letters sent.* *Signed*, B. Bennett. *Endorsed*, Reed. 6th, Read Aug. 10th, 1705. *Holograph.* $3\frac{1}{2}$ pp. *Enclosed*,

1009. i. Copy of Proceedings relating to Edward Jones since his arrival in Bermuda. *Endorsed*, Reed. Aug. 6, 1705. 23 pp.

1009. ii. Mr. Charles Minors' Record of Mr. Jones' proceedings since his arrival, and of the papers delivered to him. *Endorsed as preceding.* $3\frac{1}{2}$ pp.

1009. iii. Council of Bermuda to Lt. Gov. Bennet. As it is your Excellency's opinion that Capt. Jones has a right,

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by virtue of H.M. late grant, to act as Clerk of the Council, so wee humbly conceive wee cannot enjoy the usual freedom in Council in the presence of our professed enemy, especially when the Minutes are to be made by him, *etc.* Pray H.E. to appoint some other person to officiate as Clerk of the Council and of Chancery till H.M. pleasure be known, or else to be excused appearing in Council or Court. *Signed*, Richard Peniston, Cha. Walker, Anthony White, Thomas Harford, Mich. Burrows, St. George Tucker, Benjamin Hinson, Patrick Downing, Sam. Spofferth. March 10, 1705. *Endorsed as preceding.* 1 p.

1009. iv. Report of a Committee of the Council of Bermuda appointed by Lt. Gov. Bennett to enquire into the claim of Capt. Jones, as Secretary, to sit and act in Council as Clerk of the same and of the Courts of Chancery, Feb. 27, 170 $\frac{1}{2}$. Although the Secretary, may sit and act in Council as Clerk in all public matters, yet in all private matters and causes a select Clerk ought to be appointed by the Judges. Capt. Jones cannot nor ought to be Clerk of any Court of Judicature in these Islands, and especially as his patent appoints him to be Provost Marshal, *etc.* *Signed*, Richard Peniston, Cha. Walker, Anthony White, Thomas Harford, Benj. Hinson, Patrick Downing, St. George Tucker, Mich. Burrows. 1 large p. [C.O. 37, 7. Nos. 10, 10.i-iii; and (without enclosures) 38, 6. pp. 135-140; and (enclosures only) 37, 26. Nos. 7-10.]

April 5. **1010.** Mr. Cox and others to the Council of Trade and Plantations. Lord Cornbury's report, Nov. 4, 1704, relating to the Quakers in West Jersey, seems to be just, reasonable and well grounded. His objections (Jan. 14) to the qualifications of the Electorate *etc.* are true and unanswerable. *Pray* for an alteration accordingly, *etc.*, *etc.* Offer an alternative Bill. Ed. Hunlocke and Sam. Leonard, being dead, pray that the vacancies in the Council be filled, "which would be the more necessary if your Lordships shall think fitt to represent to H.M. that the Quakers may be excluded from the Council, the Assembly and all other places of publick trust." *Signed*, Dan. Coxe, jr., Peter Sonmans, Wm. Dockwra. *Endorsed*, Recd. Read April 5, 1705. 1 large p. [C.O. 5, 970. No. 26.]

April 5. **1011.** Council of Trade and Plantations to the Queen.
Whitehall. *Enclose following*,

1011. i. Commission for Col. Edward Nott to be Lieut. and Governor General of Virginia. (April 25, 1705). *Similar to Commission of Governor Codrington abstracted C.S.P.* 1699. No. 382. *q.v.* *Add* :—Three Councillors to be a quorum. The Governor to make up their number to 9, if ever there shall happen to be less. With the advice and consent of the Council, he is to summon

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Assemblies, who are to take the oaths appointed. With advice and consent of Council and Assembly to make Laws, which are to be agreeable to the Laws of England, *etc.* To constitute Judges, Justices, Sheriffs, *etc.*, and to administer or cause to be administered unto them such oath and oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. Power to build and fortify forts and towns, *etc.* Upon his death or absence, if there be no Commander in Chief, the Council to take the administration of the Government, and the first Councillor to preside. Upon publication of this, Col. Nicholson's Commission to cease. [*C.O.* 5, 1361. *pp.* 80-104.]

April 5. **1012.** Order of Queen in Council. Mr. Secretary Hedges to St. James's. prepare a warrant for H.M. signature for passing Col. Nott's Commission, *as preceding.* Signed, Chris. Musgrave. Endorsed, Recd. Read May 2, 1705. $\frac{3}{4}$ p. [*C.O.* 5, 1314. No. 48; and 5, 1361. *p.* 200.]

April 5. **1013.** Council of Trade and Plantations to the Queen. We Whitehall. are humbly of opinion that the appointing of proper places for lading and unlading ships [*see* March 29] is necessary for carrying on a fair and regular trade, the power of appointing whereof is vested in your Majesty. Such appointment will be particularly useful in Virginia, by reason of the great rivers and the scattered habitations of the Planters. As the appointing of such places has been a matter of much time and difficulty [*see C.S.P.* 1674-1692], so great care ought to be taken that the Planters as well as Merchants may be satisfied therein, lest it should discourage the inhabitants and induce them to remove to other less usefull Plantations. We therefore offer that your Majesty would give an Instruction to your Governor now going thither to lay this whole affair immediately upon his arrival before the Council with the papers we shall furnish him with, and with the Order for suspending a Law past in Virginia in this behalf, and that thereupon the whole matter be recommended to the General Assembly of Virginia, who may advise with the officers of your Majesty's Customes in those parts and frame a law to be presented to your Majesty, which may take in as much as possible the severall interests of your Majesty's subjects there and merchants here; and that in the said Law the term of two years may be allowed from the passing thereof for the building of towns and warehouses and for the setting out and appointing Keys and Wharfs for the loading and unloading of goods exclusive of any other, which number of towns ought not to exceed three at the most on each of the four great Rivers and two on the Eastern Shore, and that like directions may be given to the Governor of Maryland, that the trade of both Provinces may be carried on by the same methods as equally advantagious to your Majesty's service in those parts. [*C.O.* 5, 1361. *pp.* 104-107.]

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April 5. **1014.** Order of Queen in Council. *Approving preceding.*
 St. James's. Instructions to be prepared for H.M. signature as proposed.
Signed, Chris. Musgrave. *Endorsed*, Recd. Read April 11,
 1705. 1 p. [C.O. 5, 1314. No. 47; and 5, 1361. pp. 109, 110.]

[April 5.] **1015.** Sir Tho. Frankland to [? *the Council of Trade and Plantations*]. H.M. having ordered that the complaints against Governor Nicholson be transmitted to him that he might have an opportunity of justifying himself, and meantime having appointed Major Nott to succeed him, *prays* a letter from H.M. that this is not out of any regard to the complaints against him, nor out of any dissatisfaction to his administration, but that he doth stand fair in H.M. favour for any other post of trust. *Endorsed*, Recd. Read April 5, 1705. 1 p. [C.O. 5, 1314. No. 50; and 5, 1361. p. 108.]

April 5. **1016.** List of the places the merchants conceive proper to be established as Ports in Virginia. James River, for the Upper part, Flower de Hundred; Lower, Nanzimond. York River, Upper part, West Point, Lower, Tindall's Point. Williamsburgh for James and York River. Rappahanock River, Upper part, Hobb's Hole; Lower, Corotoman. Potomack, Upper, the Mouth of Aquia, Lower, Yeocomoco. Eastern Shore, Upper, —; Lower, King's Creek. *Signed*, Micajah Perry, E. Jennings and 20 others. *Endorsed*, Recd. Read April 5, 1705. 1 p. [C.O. 5, 1314. No. 49.]

April 5. **1017.** Governor Dudley to Mr. Popple. Since the forces
 Boston. from this place did the spoyle last summer in L'Accadie and the remove of the people from all parts to Port Royall, six of that garrison upon pretence of great hardships from Mr. Brouillan, their Governor, have deserted and brought away a sloop loaden with grayn, worth about 100*l.*, which happened but two dayes since. I shall direct the vessel and grain to be condemned and the whole then is belonging to H.M., if it might consist with their Lordships' judgment and I might have leave to give it to the deserters, or any part of it, and if it were once known as I can easily make it to be amongst the soldiers at Port Royal, I may chance to see a good part of that garrison desert in a short time, and make the taking of that place more easy, *etc.* *Signed*, J. Dudley. *Endorsed*, Recd. Sept. 1, Read Dec. 17, 1705. *Holograph*. 1½ pp. [C.O. 5, 863. No. 134; and 5, 912. pp. 27, 28.]

April 8. **1018.** Governor Sir B. Granville to the Council of Trade and
 Barbados. Plantations. By this mail from England I have not any letters from your Lordships, the last I received was dated Nov. 30. *Encloses* all the Acts in force to July 13, 1704, and two lately passed; also the Minutes of Council and Assembly. I have here very strictly pursued H.M. Proclamation about regulateing the coyn, but it is not soe observed either at the Leeward Islands or on the Continent, wch. makes this Collony labour under great disadvantages, the smaller peices goe still there as formerly

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and the greater as crowns and halfe crowns only by weight, and that not regularly, the small money will be all transported from hence if your Lordships are not pleased to take this matter into your consideration. The sloop *Anne*, one of the vessels fitted out by this Island, brought in here the 1st of this month a small French privateer of 4 guns and 50 men, wch. she took in this latitude. Four of H.M. subjects were taken on board this privateer in arms, and I am informed many more are on board severall other of the French privateers. *Signed*, Bevill Granville. *Endorsed*, Recd. 6th, Read Aug. 10th, 1705. 1½ pp. [C.O. 28, 9. No. 2; and 29, 9. pp. 361-363.]

April 11. **1019.** Mr. Thurston to Mr. Popple. I enclose a particular of the wants of the Company at Newfoundland, etc. *Signed*, J. Thurston. *Endorsed*, Recd. Read April 12, 1705. 1 p. *Enclosed*,

1019. i. Wants of the Company at Newfoundland. The usual year's cloathing, provisions and contingent and subsistance money. Also a new recruit of bedding. *Signed*, J. Thurston. ¾ p. [C.O. 194, 3. Nos. 51, 51.i.; and (without enclosure) 195, 3. p. 411.]

April 11. **1020.** W. Popple [? jr.] to Mr. Burchet. The Council of
Whitehall. Trade and Plantations desire to be informed when the Newfoundland convoy will be ready to sail, and who is the Commander thereof, in order to their preparing Heads of Enquiry as usual, and giving notice to the out-ports concerned. [C.O. 195, 3. pp. 409, 410.]

April 11. **1021.** Mr. Jenings to the Council of Trade and Plantations. *Prays* for a passage for himself and 3 attendants to Virginia on H.M.S. *Kingston*. *Signed*, E. Jenings. *Endorsed*, Recd. Read April 12, 1705. 1 p. [C.O. 5. 1314. No. 51; and 5, 1361. p. 114.]

April 12. **1022.** W. Popple, jr., to Josiah Burchett. The Council of Trade and Plantations recommend Mr. Jenings' request (*above*) to H.R.H. Council. [C.O. 5, 1361. pp. 110, 111.]

April 12. **1023.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose following* for H.M. signature.

1023. i. The Queen to Governor Nicholson. Letter of revocation in the usual terms. *Concludes*: And that you repair to our Royal Presence to give us an account of the state of that Colony, when you may expect from us the marks of our Royal favour. [C.O. 5, 1361. pp. 111-113.]

April 12. **1024.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. The ships being now ready to sail for New England, after which no other opportunity will offer in a considerable time, we remind you of our letter of Feb. 2., that H.M. pleasure may be signified to Col. Dudley. We further desire to know the

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determination that has been taken upon what we writ the 3rd inst. in reference to a circular letter to the Governors, enclosing copies of the Act for encouraging the importation of Naval Stores from the Plantations, it being necessary that immediate directions be given therein by the convoy now going. [C.O. 5, 911. pp. 464, 465.]

April 12.
Whitehall.

1025. Sir C. Hedges to the Council of Trade and Plantations. Several packets of Spanish and French letters having been taken on board a ship coming from Martinico, I send them to you herewith. If you find anything that may be for H.M. service to be known, I desire you will acquaint me. *Signed*, C. Hedges. *Endorsed*, Recd. Read April 13, 1705. 1 p. *Enclosed*,

1025. i. Governor of Martinique to [? M. de Pontchartrain]. Martinique, Oct. 4, 1704. Court Martial upon M. de Gennes, and other officers, for flagrant cowardice in surrendering the French part of St. Christophers without striking a blow, etc. Although fully apprized from Martinique of the declaration of war five days before (July 10, N.S., 1702) being attacked, he kept the fact secret, and pretended to be ignorant of it, instead of doing as had been arranged by M. D'Esnos and joining the militia of Basseterre with those of Cape Sable, in which case he would have been superior to the English. When the English began a series of acts of hostility, he refused to fight or to allow any reprisals. When Major-General Hamilton appeared on the 15th, he held parley with him and surrendered without a blow. "If the Council of War can find in his behaviour no understanding with the enemy, it sees at least his fixed intention not to fight." Verdict accordingly, but the Council's votes being equally divided on this point, it was decided not to degrade him publicly. *Signed*, De Machault. *Endorsed*, Recd. April 13, 1705. *French*. 11 pp.

1025. ii. M. de Rethuille to [? M. de Pontchartrain]. Guadeloupe, Sept. 28, 1703. Considerable sums are needed to repair the fort ruined on all sides by the English. We have restored one part of it to protect a magazine which has been made there, etc. *Signed*, Binoist de Rethuille. *Endorsed as preceding*. *French*. 2 pp. [C.O. 152, 6. Nos. 9, 9.i., ii.; and (without enclosures) 153, 9. pp. 118, 119.]

April 12.
Whitehall.

1026. Council of Trade and Plantations to Mr. Secretary Hedges. Enquire H.M. pleasure whether the Company at Newfoundland is to be relieved, etc. [C.O. 195, 3. p. 412.]

April 12.
Whitehall.

1027. Mr. St. John to Mr. Secry. Hedges. H.M. having ordered a transport ship to be immediatly taken up for carrying the two companies of Col. Handasyde's Regimt. to Jamaica, it will be necessary that the Commissioners of the Victualling have

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directions to furnish provisions for their passage. *Signed*, H. St. John. [C.O. 137, 45. No. 64.]

April 12.
Whitehall.

1028. Council of Trade and Plantations to Governor Dudley. Since our letter of Aug. 24, we have received the duplicate of your letter of July 13, with your letter of Oct. 10, and we have seen your letters to our Secretary of Oct. 17, and Nov. 27 last. Before their arrival, Captain Nathanael Cary attended us. [See Oct. 3.] Whereupon we represented to H.M. our opinion [Nov. 7] in relation to ordnance etc. upon which H.M. has been graciously pleased to order 20 cannon with their appurtenances to be sent to you for the use of the fortifications in the Massachusetts Bay.

Enclose H.M. letter relating to Pemaquid, Piscataqua, and salaries [Jan. 11], which you will communicate to the Council and Assembly accordingly. *Quote* Capt. Cary on Capts. Larimore and Wells [Oct. 3, 1704]. We cannot but take notice that Capt. Cary, instead of delivering us the tryal of Quelch and the other pirates which you mention (July 13) to have sent us, caused it to be printed without communicating the same to us. We shall expect duplicates of the plans of the fortifications in your Governments, which were lost by Capt. Cary, according to your promise. We have acquainted the Lord Bishop of London with what you write concerning the want of Ministers for the Indians, and doubt not but his Lordship will do what is possible therein. We have laid before H.M. what you write us in relation to the pirates, and to Captain Larimore. We have not received the account you mentioned to have sent us of the pirates' treasure, and therefore we desire you not to omit it in your next. As to what you write about the Assembly's Address, which was sent over without your concurrence, we gave you an answer thereunto May 26. We have laid what you have writ to our Secretary concerning ships being carried to Martinico (Oct. 17, 1704), as also relating to your expedition to Accady before H.M., and you will have timely notice in case any direction shall be given therein. We enclose H.M. Order in Council, for confirming an Act passed in New Hampshire in October, 1703, for obliging the inhabitants to do military service, and for raising money for a stock of provisions to be in each town ready for a march against the enemy, which you will take care to enter in the Council Books accordingly.

We enclose a Petition presented to H.M. by Mr. John Taylour, and desire you to inform us how that case stands. We desire you also to send us by the first opportunity copies of the Acts past in May, 1701, and May and Oct., 1702, according to the inclosed list, the originals formerly sent by you having been mislaid. Enclosed we send you H.M. letter by which you are directed to take due care to transmit constant accounts in relation to the publick stores therein mentioned. We likewise send you copies of 2 Acts past here the last Sessions of Parliament for prohibiting all trade and commerce with France, and for preventing all traitorous correspondence with H.M. enemies,

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which you are to publish in your Government and which will be a direction to you in all cases of that nature.

P.S.—We do likewise inclose to you several printed Acts of Parliament for the encouraging the importation of naval stores into this Kingdome, together with a letter from Mr. Secretary Hedges in that behalf, hoping for a good effect from this new undertaking. [*C.O.* 5, 911. pp. 458–464.]

April 12.
Whitehall.

1029. Council of Trade and Plantations to Governor Sir B. Granville. Upon Sir James Colleton's petition (April 2), we find ourselves obliged to remind you of H.M. Additional Instructions to you upon that matter, and also of H.M. Letter to you upon the case of Mr. Sharp, that you may observe the same, and we are further particularly to recommend to you, that you do not permit Mr. Colleton to sit as Judge in any of the Courts, nor in Council upon any writ of error or appeal in this or any other case wherein he is in his private interest concerned. Enclose letter from Mr. Secretary Hedges with several Printed Acts for the encouraging the importation of Naval Stores. [*C.O.* 29, 9. pp. 280, 281.]

April 12.

1030. Council of Trade and Plantations to Governor Seymour. Enclose copy of Sir T. Lawrence's Petition (Jan. 2, '05). We recommend to you that you take care to preserve the ancient rights of H.M. Patent Offices and Officers, and in particular that you give all due encouragement and countenance to Sir Tho. Lawrence, and that you do not pass any Act whereby the just and usual fees of such Patent Officer may be diminished; and in case any such an Act as is complained of in the said Petition be already passed, you are not to delay upon any account whatsoever the sending it over, with your reasons for passing the same, according to your instructions. [*C.O.* 5, 726. p. 306.]

April 12.
Admiralty
Office.

1031. Mr. Fawler to Mr. Popple, jr. In reply to letter of April 11, on March 24 publick notice was sett at the Royall Exchange that the Convoy for Newfoundland was to sayle from the Downes the first fair wind after April 1st. Accordingly, on the 10th, H.M.S. *Looe* and *Falkland* prize sayled from the Downes. They are to call at Spithead, Poole, Weymouth, Exmouth, Topsham, Dartmouth and Plymouth, to which ports Commodore Brydges was ordered to send notice overland, by what time he might reasonably be expected there, *etc.* The latter end of May or ye beginning of June next, the two other ships designed convoy to Newfoundland are to sayle. Signed, J. Fawler. Endorsed, Recd. Read April 13, 1705. Addressed. 1½ pp. [*C.O.* 194, 3. No. 52; and 195, 3. pp. 413, 414.]

April 13.
Whitehall.

1032. W. Popple to Mr. Fawler. The Council of Trade and Plantations are sorry they did not sooner know of the immediate departure of the Newfoundland convoy, so that they are now obliged to desire you to lay the enclosed Heads of Enquiry before H.R.H. Council for their direction to the Commodore, unto

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which they desire they may receive answers, as they have done for these 15 or 20 years past, except the two last years, which is a very great prejudice to trade. They desire that the Commodore may acquaint the Chief Officer of the Company there that H.M. has given orders for a new Company to be sent by the next shipping for relieving the said Company, and that orders are given for bringing them home and for providing all necessaries for the fort and garrison. The Commission for the Commodore to command at land during his stay is prepared by Mr. Secretary Hedges. *Annexed*,

1032. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland to be given as Instructions to the Commander in Chief of the Newfoundland Convoy. You are to be guided by the Act to encourage the trade to Newfoundland (10 and 11 William III); to distribute copies of it among the principal inhabitants, etc., and to observe and enquire whether the rules contained in it be duly observed. [*Repeat Enquiries set out C.S.P., 1700. No. 198.i., and 1698. No. 498.*] You are to take care that the best remedies be applied for the remedy of these abuses and mischiefs (Capt. Graydon's Report, C.S.P., 1701. No. 879.xii.), and to report your opinion thereupon in order to the preparing of clauses to be proposed at the next Sessions of Parliament. You are to inspect and assist in the fixing of the boom at St. John's Harbour, as far as the other services committed to your care will permit. And the Merchants having proposed that Trinity Bay and Carboniere in Conception Bay be fortified, but it not sufficiently appearing in what places they may be erected so as to be a security to those harbours from attacks by sea and to the settlements from attacks by land, you are to view those places and report to one of H.M. Principal Secretaries of State and the Council of Trade and Plantations how the same are fitted for such fortifications, and what may be ye charge of erecting them. [*C.O. 195, 3. pp. 415-436.*]

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1033. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose*, for H.M. signature, the Commission for the Commodore of the Newfoundland Convoy to command the Fort and Garrison, "the despatch whereof being very necessary for H.M. service, and for quieting the disorders of the present garrison." [*C.O. 195, 3. pp. 436, 437.*]

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1034. Major Nott to the Council of Trade and Plantations. Prays that the fleet or one of the convoys for Virginia may be stopped for 10 days from the 20th, as the passing of his Commission and Instructions will not be possible before the last of this month. *Enclosed*, Reed. Read April 13, 1705. 1 p. [*C.O. 5, 1314. No. 52; and 5, 1361. p. 116.*]

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April 13. **1035.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclosing* preceding for H.M. pleasure therein. Col. Nott's Commission is already passed this Board; his Instructions will be ready on Wednesday next with all his other necessary despatches. [*C.O.* 5, 1361. *p.* 115.]

April 13. **1036.** Copy of H.M. Commission to Governor Lord Cornbury, for the trial of pirates in the Plantations. Oct. 21, 1704. *Countersigned*, Wrighte. *Subscribed*, Commissions for other Governments *mutatis mutandis*. *Endorsed*, Reed. from Mr. Baker. April 13, 1705. 12 *pp.* [*C.O.* 323, 5. *No.* 78; and 324, 9. *pp.* 91-102.]

April 14. **1037.** Mr. Fawler to Mr. Popple, jr. Mr. Jenings' request Admiralty Office. [April 11] is granted. The convoy is ordered to sail the first fair wind after the 20th inst. *Signed*, J. Fawler. *Endorsed*, Reed. Read April 16, 1703. *Addressed*. 1 *p.* [*C.O.* 5, 1314. *No.* 53; and 5, 1361. *p.* 117.]

April 17. **1038.** J. Clifford to the Council of Trade and Plantations. Fleet Prison. *Encloses* letter written by him to Messrs. Shippard and Gardner by the directions of Mr. John Pollexfen. Mr. Shepherd answered that he would deliver the report at the beginning of this week, tho' I doubt the contrary, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Reed. April 18, Read May 2, 1705. $\frac{3}{4}$ *p.* *Postmark*. *Addressed*. *Enclosed*,

1038. i. J. Clifford to Samuel Shippard and John Gardner *as in preceding*. *Signed*, Jer. Clifford. 1 *p.* [*C.O.* 388, 75. *Nos.* 119, 119.i.; and 389, 36. *pp.* 263, 264.]

April 17. **1039.** Mr. Secretary Hedges to Governor Nicholson. H.M. Whitehall. has been pleased to appoint Col. Edward Nott to be Governor of Virginia, and has signed a letter of revocation to you in the usual forme, but I am at the same time to acquaint you, that it is not upon account of any information against you, or of any displeasure H.M. has taken against you, that she has recalled you, but that she thinks it to be for her service at this time. *Signed*, C. Hedges. *Endorsed*, Reed. from Mr. Wilcox. Reed. Read April 20, 1705. 1 *p.* [*C.O.* 5, 1314. *No.* 54; and 324, 30. *p.* 27; and 5, 1361. *p.* 198.]

[April 17.] **1040.** Proprietors of the Western Division of New Jersey to the Council of Trade and Plantations. We humbly acknowledge your Lordships' great justice in making the termes of our Surrender of Government part of Lord Cornbury's Instructions, and heartily wish H.E. had given us occasion of acknowledging his due observation of the Instructions, instead of troubling your Lordships with a complaint of the breach of them, which we are credibly informed he has made in the following instances, but endeavours to palliate there by frequently and publicly asserting that your Lordships consented to no termes upon our surrender. One of the terms consented to by your Lordships and one of H.E.'s Instructions *relates to qualifications of members*

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and electorate. This Instruction, which we looked upon to be the chief security of our estates in the Province, H.E. has violated in two several instances. After the election of the last Assembly, Mr. Revell and Mr. Leeds, two of the Governor's Council, at their first meeting objected against 3 of the persons returned as not having each 1,000 acres of land, though these men are generally known to have so, and offered to make oath of it, and many other members petitioned to have them admitted to their right, yet H.E. would not suffer the House, who are the only proper Judges of their own Members, to determine this matter; but upon the bare suggestion of the two members of the Council, who ought not to intermeddle with Elections, refused to swear those three persons with the rest of the Representatives, and yet did not order others to be chosen in their places. This we conceive to be such an invasion of the rights of the Assembly as tends to overthrow the Constitution of it, and is an assuming a negative vote to the Freeholders' election of their Representatives.

H.E. has passed an Act of Assembly for altering the qualifications of electors and elected. We conceive he has no authority from his Instructions for passing this Act, and the reasons he alledges are not sufficient to justify it; for though the Instruction relating to elections of General Assemblys allow an alteration by Act of Assembly of the number of Representatives and of the manner of their being elected, yet it leaves no power to the General Assembly to alter the qualifications of the electors or elected, which was intended to be a standing and unalterable part of the Constitution, as most agreeable to the Constitution of England, where the electors of knights of shires must have a certaine fix'd freehold, and the elected are generally the principall landed men of their respective countys, for certainly those persons are fittest to be entrusted with choosing and being legislators, who have a valuable and permanent interest in lands, and must stand and fall with their country; but money is an uncertaine interest, and if it be admitted a qualification equal to land, an Assembly may be pack'd of strangers and beggars, who will have little regard to the good of the country from whence they can remove at pleasure, and may oppresse the landed men with heavy taxes.

It is another term of our Surrender, and an Instruction to his Lordship, that no Acts should be made to lay any tax upon lands that be unprofitable. But H.E. has encouraged and consented to a Bill for taxing all lands without distinction (except the Proprietors' lands), which will make the Planters, whose subsistence depends wholly upon their labour in their cleared lands, desert the Province.

It is another term of our Surrender, and an Instruction to H.E., that the Surveyors and other persons appointed by us for surveying and recording the surveys of lands granted and sold by us, shall be permitted to execute their respective trusts. But H.E. has taken upon him, even contrary to the advice of his Council, to appoint fees for patenting lands, which has created

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an opinion in the people that the power of granting lands is in him, has lessen'd the credit of our title to the lands, and encourages ye Planters to dispute our right. H.E. has demanded all publick books, papers and records, and detains some which were delivered at his request for his perusal only. This Order, if put in full execution, will deprive the Proprietors of all means to justify their past administration, of their evidences of their grants of lands to the present possessors of them (all the surveys and patents being recorded in those books) and will destroy the office of our Register, or at least will disable him to execute his duty in some cases, which by Acts of Assembly he is obliged to perform.

It is a further term of our Surrender and Instruction to H.E., that all officers be appointed by advice of the Council. But H.E. has constituted severall officers without such advice, and particularly a Sheriff of Burlington, who was therefore suspended by Order of Council, and yet continued to act under his Lordship's appointment. H.E. hath put severall mean and contemptible persons on the Commission of the Peace, particularly one Salter, whom he knew to be under prosecution for felony, and has given Commissions in the Militia to others, who have no estate in the Province, and therefore are not like to be zealous in the defence of it. We pray that your Lordships will reinforce your Instructions by fresh orders, and relieve us from those violations already made, and as a further security of our estates there, direct that noe persons be admitted of the Governor's Council or be in the Commission of the Peace or of the Militia, who have not estates in land within the Province suitable to those stations. *Endorsed*, Recd. Read April 17, 1705. 8 pp. [C.O. 5, 970. No. 27.]

April 17. **1041.** W. Popple jr., to Mr. Attorney General. The Council
Whitehall. of Trade and Plantations desire your opinion in point of law upon the Act of Antego, passed July 3, 1704, *for holding a Court of Chancery by the Lieut. Gov. or President and Council in the absence of the Commander in Chief, etc.* [C.O. 153, 9. pp. 119, 120.]

April 17. **1042.** Mr. Burchett to Mr. Popple, jr. In reply to letter
Admiralty Office. of April 13th. The Heads of Enquiry are sent to meet the Commodore of the Newfoundland convoy at Plymouth; he is directed to acquaint the officer in chiefe of the Company there, that H.M. has ordered them to be relieved by the next ships that proceed thither. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 16, 1705. *Addressed*. 1 p. [C.O. 194, 3. No. 53; and 195, 3. pp. 437, 438.]

April 18. **1043.** W. Popple, jr., to Sir H. Ashhurst. The Council of
Whitehall. Trade and Plantations desire to know what you may have to offer upon *enclosed* petition in behalf of the Quakers of Connecticut [see April 21] as soon as conveniently you can. [C.O. 5, 1291. pp. 144, 145.]

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April 18. **1044.** Council of Trade and Plantations to Governor Lord
Whitehall. Cornbury. *Enclose* charges against Connecticut and Rhode
Island [see *March* 26], and Order of Council, Feb. 12, etc. [*C.O.* 5,
1120. pp. 287, 288.]

April 19. **1045.** Mr. Burchett to Mr. Popple. The *Lowestoft* is under
Admiralty orders to proceed forthwith to New Yorke, to attend on that
Office. Collony, and the *Deptford* will sayle for New England in a little
time to attend there. *Signed*, J. Burchett. *Endorsed*, Reed.
Read April 20, 1705. *Addressed*. *Scaled*. 1 p. [*C.O.* 5, 1048.
No. 114; and 5, 1120. p. 291.]

April 20. **1046.** Mr. Secretary Hedges to Governor Dudley. H.M. is
Whitehall. pleased to pardon the 14 prisoners (*mentioned in letter of July* 13,
1704). *Repeats* Instructions about Spanish trade *given March* 29.
H.M. having out of her tender care of her Plantations in America
been pleased to cause a Bill to be presented to the House of
Commons for encouraging the importation of Navall Stores
from H.M. Plantations in America, which has since past into an
Act, whereby not only due encouragement is given for the
bringing such stores and materialls for the Royal Navy and
shipping of England from thence, but a further intercourse and
commerce is produced for the enabling H.M. subjects in those
parts to make returns for the manufactures of England, which
they stand in need of, I have thereupon received H.M. directions
to send you herewith the said Act, which you are to communicate
to H.M. Council and Assembly and render it otherwise publick
within the Province under your Government, as you may judge
most proper for promoting and advancing so usefull an under-
taking. And more particularly you are to recommend to the
General Assembly the making of due regulations and orders for
the better carrying on of that work, which may be best effected
by passing an Act or Acts in that Province for preventing the
spoil of the woods as much as possible. And you are especially
to find out and encourage the best means for the making of tarr
most usefull for ropes and cordage by taking off the burning
quality that has been complained of here, as also to give the
necessary directions for preserving the woods and hindering
the unnecessary destruction of trees by the irregular drawing
out the turpentine. And it is expected that you, the Council
and Assembly should in all respects contribute your joint
endeavours for the rendering that Act and such others as may
be past conformable thereunto in the General Assembly most
effectual for the intended service, which will not only be very
grateful to H.M., but of the greatest advantage to H.M. Province
under your Government. [*C.O.* 324, 30. pp. 27-29.]

April 20. **1047.** Mr. Secretary Hedges to Governor Nicholson. *Repeats*
Whitehall. Instructions about Spanish Trade *given March* 29. *Repeats*
Instructions about Naval Stores *given in preceding*, with addition :
But you are to take care not to suffer the people employed in the
making of Tobacco to be diverted from it by this, or any other

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undertaking. *Similar letter* to Governor Seymour, and, without the last paragraph, to Governor Lord Cornbury. [*C.O.* 324, 30. p. 29.]

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Whitehall.

1048. Mr. Secretary Hedges to Mr. Pen. *Repeats Instructions* about Spanish Trade *given* March 29. *Similar letter* sent to the Proprietors of Carolina, the Governor and Company of Connecticut, and the Governor and Company of Rhode Island. [*C.O.* 324, 30. p. 29.]

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1049. Mr. Secretary Hedges to Governor Sir B. Granville. Whereas H.M. does think fitt that the greatest ease and encouragement be given to the packet boats that are employed in the constant carrying letters to and from the Plantations, and whereas by the Laws of each Plantation all vessels trading thither are obliged to pay *1lb.* of powder per tun, which would be a heavy imposition upon such packet boats that pass so frequently, you are to suspend the said powder duty, and that you send over an account from time to time of the powder which would have accrued in case such duty had been actually paid. And you are further to propose to the next Assembly the passing of an Act for exempting the packet-boats from the said duty.

Similar letter sent to Col. Handasyde, Capt. Bennet, and the Commander-in-Chief of the Leeward Islands. [*C.O.* 324, 30. pp. 30, 31; and 324, 9. p. 87.]

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1050. Circular letter from Mr. Secretary Hedges to the Governors of Plantations, about the opening of trade with Spain. *See* March 29. *Copy. Endorsed, Recd.* April 20, 1705. 1 p. [*C.O.* 323, 5. No. 79; and 324, 9. p. 103.]

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1051. Council of Trade and Plantations to the Queen. We humbly lay before your Majesty the draught of Col. Nott's Instructions for the Government of Virginia, in which we have incerted, in obedience to your Majesty's Order in Council of the 5th inst., a clause relating to the building of towns and settling of Ports in that Colony. And whereas we find that in the number of Councillors, Col. Diggs was omitted in Col. Nicholson's Instructions, we are humbly of opinion that he be restored to his former place in the Council, and have incerted his name accordingly. We also lay before your Majesty an Additional Instruction to the Governor of Maryland for the settling of ports in that Colony. *Annexed,*

1051. i. Instructions for Edward Nott, Lieutenant and Governor-General of Virginia. *Similar to Instructions given to Governor Selwyn*, mutatis mutandis, abstracted, *C.S.P.*, 1701, No. 647. ii., *q.v.* *Alterations and additions* :—Members of Council, William Bird, Edmund Jennings, John Lightfoot, Dudley Diggs, Benjamin Harrison, Senr., Robert Carter, John Custis, James Blair, Clerk Commissary to the Lord Bishop of London, Phillip Ludwell, Wm. Bassett, Henry Duke, Robert Quarry and Wm. Churchill.

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Although by our Commission [*April 5*] any three of our Councillors are to make a quorum, you are not to act with less than five, unless upon extraordinary emergencies. . . . You are as much as possible to observe in the passing of all Laws, that whatever may be requisite upon each different matter be provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other, and you are more especially to take care that no clause or clauses be inserted in, or annexed to any Act, which shall be foreign to what the title of such respective Act imports. . . . You are, with the assistance of the Council, to take care that all Laws now in force be revised and considered, and if there be anything, either in the matter or stile of them, which may be fit to be retrenched or altered, you are to represent the same unto us, with your opinion touching the said Laws now in force, whereof you are to send a compleat body unto us and our Commissioners for Trade and Plantations, with such alterations as you shall think requisite, to the end our approbation or disallowance may be signified thereupon. And whereas it hath been represented that the late taxes, which have been levied by poll within our said Colony, have been very heavy and burthensome unto our subjects there, you are to recommend to the General Assembly the consideration and settling of such a way for raising money upon necessary occasions as shall be more equal and acceptable to our subjects there than the present method of levying the same by poll and tythables. And it having been further represented that a Duty upon liquors imported would be the most easy means that can be found out for the better support of that Government, you are to recommend to the Assembly the raising of such an impost and continuance of the same, which you shall permit them to appropriate in such manner that it may be applied unto the uses of the Government, and to none other whatsoever. And it being necessary that some further care be taken to defray the contingent charges of that Government, for which the constant Revenue now raised not being sufficient, no other means can be found out for supplying the same without calling an Assembly on the least occasion that may happen, which, by the charges contracted by the Members and Officers attending them, is often found to exceed the whole levy for which they are convened, to the intent therefore the Publick Necessities may be the more easily answered, you are to propose the same unto the next Assembly, and to use your best endeavours that a Law be passed empowering our Governor and Council for the time being to raise, as there shall be occasion, a generall levy or tax for the better support of the Government, which levy may

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be also accounted for to the next Assembly, provided always that neither in this Act, nor in any other to be passed by you, you do not admit of any clause, whereby any moneys raised within the said Colony shall not be made liable to be accounted for unto us here in England and to our High Treasurer, *etc.* . . . Whereas we have been informed that intelligence has been had in France of the state of our Plantations by letters from private persons to their correspondents in England taken on board ships coming from the Plantations and carryed into France, which may be of dangerous consequence if not prevented for the future, you are to signify to all merchants, planters, *etc.*, that they be very cautious in giving any account by letters of the Publick State and condition of Virginia; and to all masters of ships *etc.* to whom you may intrust your letters that they put such letters into a bagg with a sufficient weight to sink the same immediately in case of imminent danger from the enemy. And you are also to let the merchants and planters know how greatly it is for their interest that their letters should not fall into the hands of the enemy, and therefore that they should give the like orders to the Masters of Ships in relation to their letters. And you are further to advise all Masters of Ships that they do sink all letters in case of danger. Upon your absence from your Government, one half of the Governor's Salary, perquisites *etc.* to be allowed to the Lt. Governor. Neither Governor nor Lt. Governor to receive any present from the Assembly, upon pain of our highest displeasure, and of being recalled from that our Government. This our Royal will and pleasure is to be communicated to the Assembly at their first meeting after your arrival, and entered into the Registers of our Council and Assembly. . . . You shall take care that Members of the Assembly be elected only by Freeholders, as being more agreeable to the custome of England, to which you are as near as may be to conform yourself. You shall reduce the salary of the Members of the Assembly to such a moderate proportion as may be no grievance to the country, wherein nevertheless you are to use your discretion so as no inconvenience may arise thereby. Whereas an Act has been passed in Virginia (1684) *for altering the time of holding general Courts*, you are to propose to the next Assembly (if the same be not already done) that a clause be added to the said Act, whereby it may be provided that the power of appointing Courts to be held at any time whatsoever remain in you or the Commander in Chief for the time being. In case any goods, money or other estate of pirates, or piratically taken, shall be brought in or found within Virginia, or taken on board any ships, you are to cause the same

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to be seized and secured until you shall have given us an account thereof and received our pleasure concerning the disposal thereof, but in case such goods are perishable, the same shall be publickly sold and disposed of, and the produce thereof in like manner secured until our further Order. And whereas Commissions have been granted unto several persons in our Plantations for the trying of pirates in those parts pursuant to the Act *for the more effectual suppression of piracy*; and by a Commission now sent to Virginia, you, as Lt. and Governour General, are impowered, together with others therein mentioned, to proceed accordingly, our Will and Pleasure is, that in all matters relating to pirates, you govern yourself according to the intent of the Act and Commission aforesaid: But whereas Accessories in cases of piracy beyond the Seas are by the said Act to be tried here in England according to the Statute of 28th Henry VIII, we do hereby further direct and require you to send all such accessories in cases of piracy, with the proper evidences that you may have against them, into England, in order to their being tried here. . . . Complaint having been made that the Members of Council in all matters of civil right, where any of them are dependants, claim a priviledge of exemption from the ordinary forms of process by writt, so that they cannot be arrested, and that it being the practice in all such cases that the Secretary summon them to an appearance by a letter, they either comply, or neglect it at their own pleasure, by which means the course of Justice is obstructed, and the Plaintifs, who are not of the Council, are left destitute of reliefe; you are therefore to take special care that, according to the Order made in our Council of Virginia, March 27, 1678, by which Members claimed the foresaid priviledge, a letter of summons to any of the said Councillors, signed either by yourself or the Secretary of our Colony, be deemed as binding and as strict in law for their appearance as a writ; and that upon their neglect to comply with any such summons (except only in time of General Assembly) they be lyable to the ordinary forms of common process. . . . A Court of Exchequer to be called when needfull, and you are to inform us and our Commissioners of Trade, whether our service may require that a constant Court of Exchequer be settled and established there. . . . You are to take care that all planters and Christian servants be well and fitly provided with arms, and that they be listed under good officers, and when and as often as shall be thought fit mustered and trained. . . . You are to appoint fit officers in the several parts of the country bordering upon the Indians, who upon any invasion may raise men and arms to oppose them, until they shall receive

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your directions. . . . And whereas, together with other powers of Vice-Admiralty, you will receive authority from our dearest Husband, Prince George of Denmark, our High Admiral, upon the refusal or neglect of any Captain or Commander of any of our ships of war to execute the written orders he shall receive from you for our service and the service of our Colony under your Government, or upon his negligent and undue execution thereof, to suspend him from the exercise of his office and commit him into safe custody, either on board his own ship or elsewhere at your discretion, in order to his being brought to answer for such refusal or neglect by Commission either under our Great Seal of England, or from our High Admiral; and whereas you will likewise receive directions from our dearest Husband that the Captain or Commander so by you suspended, shall during his suspension be succeeded in his office by such Commission or Warrant Officer as by the known practice and discipline of our Navy ought to succeed him, and not otherwise, you standing also accountable for the truth and importance of the crime and misdemeanor for which you shall so proceed; you are not to exercise the said power of suspending any such Captains *etc.* otherwise than by virtue of such Commission or Authority from our said High Admiral, any former custom or usage notwithstanding. . . . You shall cause a survey to be made of all the considerable landing-places and harbours, and, with the advice of our Council there, erect in any of them such fortifications as shall be necessary for the security and advantage of that Colony, which shall be done at the publick charges of the Country, in which we doubt not of the chearful concurrence of the inhabitants, from the common security and benefit they will receive thereby. All servants that shall be transported to Virginia, shall serve their respective Masters for the term prescribed by the Laws of the Colony, and shall at the end of the said term have 50 acres of land set out and assigned to every one of them respectively, to have and to hold, their heirs and assignees for ever under the rent and duties usually paid. And whereas it has been represented that the grant of K. James I to our Colony, exempting planters from paying quit-rents for the first seven years, did turne to the great prejudice of the same and that many took occasion thereby to take and create to themselves titles to such quantities of land which they never intended to, or in truth could, occupy or cultivate, but thereby only kept out others, who would have planted and manured the same, and King Charles II having therefore revoked the same, we do likewise give the same directions unto you, that if any such grants should still be insisted on, the same be taken to be void. And you are likewise

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to restrain the unlimited practice of taking up more lands than can reasonably be cultivated and to regulate all abuses therein. You shall (with the advice of our Councill there) take care to appoint men fitly qualified to be Surveyors throughout all the several districts of our Colony, and that they be sworn to make true and exact surveys of all lands required to be set out according to the best of their skill. You shall likewise take care that a General Survey be made of all the Colony and of each County and that an exact map be drawn and transmitted to us and to our Commissioners for Trade *etc.* An exact account to be drawn of arrears of Quit-rents, and of what persons are possessed of above 20,000 acres of land apiece, by what titles they hold the said lands, and how much each of them is possest of above that quantity: both which accounts you are without delay to transmit unto us, our High Treasurer and our Commissioners for Trade. And whereas it has been proposed that for preventing the taking up of land for the future by such as do not make use of it, to the exclusion of those who would plant and cultivate the same for the benefit of the country, and the increase of our Revenue, and of the trade of this Kingdom, the terms of granting land be for the future altered and that none shall acquire a right by merely importing or buying of servants; but that whoever will sit down and plant on any vacant piece of land there, shall have 100 acres granted to himself, and the like quantity for each labouring person that he shall carry on, or engage to bring on, that Plantation within 3 years from the date of his Patent, under the yearly quit-rent of 2s. for every 100 acres to be paid unto us, our heirs and successors, provided always that if after the expiration of the said 3 first years, he have not actually (and so continue to keep) upon his said Plantation, the complete number of hands or tythables now proposed, he shall then either pay unto us 10s. a year for every 100 acres contained in his Patent more than the hands or tythables that he has upon it, or surrender the same unto us, at his own choice; And on the contrary, if by the increase of his stock he shall increase the number of hands or labouring persons in his Family, above the proportion now proposed, there shall be then granted to him (if he desire it) an additional 100 acres for each additional hand that he shall have above his first number upon the same condition still of increasing his rent, or surrendering, upon the lessening of the number of his said hands, and provided also that wheresoever sufficient distress shall not be found upon any land to answer the quit-rent reserved upon it, there the said land shall return to us, as if it had never been granted; All which appearing unto us both reasonable in itself and highly conducing

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to the advantage of our Colony, you are therefore to consider and advise with the Council and Assembly there (because of the difficulties which may arise from the customary practice of the former method, and it's being interwoven perhaps with the Laws of that Colony), how those difficulties may be best removed, and the method now proposed made practicable, and give account thereof unto us and our Commissioners for Trade. You are to transmit quarterly to the Treasury and Board of Trade accounts of exports and imports and ships coming and going. All tobaccos ship't in Virginia, from what part soever they come, to pay Virginia duties. You are to take care, during this time of war, that no ships sail but in fleets or under convoy, or at such time as you shall receive notice from hence *etc.*, and in case of any danger you are to expect directions from hence what precautions shall be further necessary. You are to examine what rates and duties are charged upon exports and imports, and to use your best endeavours for the improvement of the Trade in those parts. No Schoolmaster to be henceforward permitted to come from England and to keep School without the licence of the Bishop of London, and that no other person now there, or that shall come from other parts, be admitted to keep School without your license first obtained. . . . And as upon several Representations made concerning a trade with the Indian natives, it hath been thought fit to permit a free Trade between our subjects of Virginia and the Indians, and we being willing to continue the same permission, you are to signify to the next Assembly that, out of our great care for the welfare of that Colony, we have prefer'd the particular benefit of our subjects there before any other advantage that might accrue unto us by restraining that trade, whereof we do expect they should have a due sense, and provide by some means for the better support of that Government. . . . Inasmuch as it may not be fit that appeals be too frequently, and for too small a value, brought unto our Governor and Council, you shall with the advice of the Council, propose a law wherein the methods and limitation of appeals to Governor and Council may be settled and restrained in such manner as shall be most convenient and easy to our subjects in Virginia. Appeals to H.M. in Council to be allowed where the value exceeds 300*l.* *etc.*, and in cases of fines exceeding 2,000*l.* . . . You are to take care that no Courts of Judicature be adjourned but upon good grounds, and whereas complaint hath been made that the orders of Court are entered in the absence of the Magistrates, and sometimes penn'd in private at the Magistrate's house, you are to prevent such abuses, and particularly that no orders of any Court be entred or allowed which

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shall not be first read and approved of by the Magistrates in open Court, which rule you are in like manner to see observed with relation to the proceedings in our Council of Virginia, and that all orders there may be first read and approved in Council, before they are entered upon the Council Books. . . . And whereas an Agreement has been formerly made with the Indians of Virginia and of New York for their peaceable living with our subjects and submission to our Governments, We do hereby approve the same and require you to endeavour as much as in you lies that the said agreement be punctually observed, and renewed if it shall be necessary as conducing to the welfare of our Colony. . . . Whereas, we are pleased to take notice that the building of towns warehouses, wharves and keys for the lading and unlading of ships at proper places, exclusive of others upon each of the four Great Rivers and on the Eastern Shore will be particularly usefull in bringing the People to a more regular settlement, and of great advantage to trade in the more expeditious lading and unlading of ships ; and whereas there has been for many years several transactions upon this subject, copies whereof will be herewith delivered to you, you are upon your arrivall to lay this whole affair, and the severall Acts in this behalf before our Councel there, and to recommend to the Assembly (who may advise with the Officers of our Customes there) to pass an Act for that purpose to be presented to us, which may take in as much as possible the severall interests of the inhabitants and planters there and of the merchants here, avoiding always the inconveniencies complained of in the former Acts as set forth in the said Papers : in which Act so to be passed the term of two years may be allowed from the passing thereof for the building of towns and warehouses, and for the setting out and appointing of keys and wharfs as aforesaid, exclusive of any others, the number of which towns are not to exceed three at most on each of the 4 great Rivers, and two on the Eastern Shore. And whereas we have given the like direction to our Governor of Maryland, you are to correspond with him in the carrying on of this good work in both our said Colonies, and to give us and our Commissioners of Trade a constant account of your proceedings herein. Whereas we have understood that an Act passed in Virginia, 1682, for repealing an Act about Attorneys, 1680, hath been declared void, whereby the said Act of 1680 is revived, and that this is inconvenient and prejudicial to our Colony, you are to declare by Proclamation our Repeal of the said Act about Attorneys, if the same be not already done. . . . You are to take care, by and with the advice of the Councel, that prisons be kept secure. And forasmuch as an

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allowance of house-rent hath been made to the Governors of that Colony, we for the present allow the same unto you, but nevertheless it not being reasonable that we should always continue the said allowance, whilst no advance is made towards the building of a House, you are therefore earnestly to recommend unto the Assembly in Our name at their first meeting after your arrival, that care be taken by them for the building of a fit and convenient house to receive you and the Governor for the time being, which may be appropriated to that use. You are to take as Governor 2,000*l.* *per annum* by quarterly payments, and cause to be paid out of the Revenue to the Councillors, Judges and Officers, civil and military, *etc.*, the salaries formerly paid, or such other reasonable ones as you, with the advice of our Council there, shall think requisite: a true account whereof you shall from time to time transmit to our High Treasurer and our Commissioners for Trade. Provided always that you do not dispose of any part of our Quit-rents, nor suffer the same to be issued out upon any occasion, untill upon your certifying unto us the value of what shall remaine thereof from time to time in our Treasury, or be due unto us, we shall order the same to be disposed of as we shall find occasion for our service. Whereas upon considering the entries at our Custom-house here in England with the payment of the 2*s.* *per hhd.* on tobacco and other duties due unto us in Virginia, there has been certain information given of great frauds and abuses both in the payment thereof by Masters of ships and others, and in the collection by our officers, you are to use all lawful means for the prevention thereof and for the improvement of our Revenue. And whereas such abuses cannot be committed without apparent negligence of the Collectors or their connivance, you are to take great care with the advice of our Council in appointing fit and duly qualified persons for the collecting of those duties, and the like for the employment of Naval Officers. You shall not commit the care of those different employments unto one and the same person, nor any of them unto persons much concerned in trade, who may be apt to be thereby biased from their respective duties, nor unto the Members of our Council. Persons appointed to the said employments to be sworn to execute faithfully and diligently their respective offices in their own persons, not by Deputies unless in cases of absolute necessity, and that those deputies be then likewise sworn; each of the said officers to give their attendance at such certain times and places as you, with the advice of our Council, shall direct. You are strictly to charge them in Our Name to be more diligent and careful for the future, under penalty of the forfeiture of their places, by your

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putting others in their stead on the first offence, and of our highest displeasure, and you are from time to time to give us, our High Treasurer and our Commissioners for Trade a particular account of your proceedings herein, and of the duties collected and disposed of. And forasmuch as it seems incongruous that the place of Reeiver, or Accountant, should be as it has been of late years, in the same person with that of Auditor or Deputy-Auditor, which ought to be as a check or controul thereunto, you are to consider thereof and report unto us, our High Treasurer and Commissioners for Trade, what you conceive most proper to be done for our advantage and for the advantage of that Colony in the settlement of both or either of the said offices, with proper limitations and restrictions; and in the meanwhile to take care that our Quit-rents be not only duly gathered, but, in order to the improvement thereof, that they be sold every year openly by inch of candle to the highest bidder in the respective County Courts, and that due notice be given of the time and place of any such intended sale in such manner as may make it most publickly known to all people a competent while beforehand.

And whereas complaints have been made of several undue practices in the Secretary's or Register's Office of that Colony by the Clerks or other persons employed therein, you are to make inspection into what has been the state and management of the said Office, and report to us and our Commissioners for Trade how you find the same, and by what methods any former mismanagements may for the future be best prevented; and in the meanwhile to take all possible care that the Records of the said Office be well and faithfully kept, and in order thereunto, that not only the Secretary or Register himself, but his clerks also be under oath for the due execution of their trust, and that they give sufficient security for their faithful performance. Whereas our Council of Virginia has formerly made complaints that the Lord Baltimore hath insisted on a pretended right to the whole river of Potomack, which did very much discourage the merchants and masters of ships trading to that Colony, you are to assert our rights in those parts, and to take care that the trade of our subjects be not disturbed by the said pretences or any other whatsoever. . . . All writs are to be issued in the Queen's name. . . . You are not to declare war without H.M. commands, except it be against Indians upon emergencies, wherein the consent of our Council shall be had and speedy notice given to us *etc.* *Counter signed,* C. Hedges. April 30, 1705. St. James's. 69 pp. [*C.O.* 5, 1340. No. 10; and 5, 1361. pp. 118-195.]

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April 20. **1052.** Instructions to Governor Nott in pursuance of the Acts of Trade and Navigation. [*C.O.* 5, 1361. *pp.* 368-403.]

April 20. **1053.** J. Clifford to the Council of Trade and Plantations. Fleet Prison. *Encloses* copies of papers relating to the illegal arrests which the Dutch have caused to be made on my Plantation and all my moneys and effects I have in Holland and Surinam, for your Lordships to insert in your report to H.M. *etc.* *Signed*, Jer. Clifford. *Endorsed*, Reed. April 21, Read May 2, 1705. 1 *p.* *Enclosed*,

1053. i. Letters and Memoranda, June, 1703. *ff.* relating to Mr. Clifford's Plantations in Surinam and the behaviour of the Dutch, *as above*. 16 *pp.* *Dutch and English*. 16 *pp.* [*C.O.* 388, 75. *Nos.* 120, 120.i-iii. ; and (*without enclosures*) 389, 36. *p.* 264.]

April 20. **1054.** Council of Trade and Plantations to Governor Seymour. Whitehall. Since our letter of Aug. 24 last, we have not received any from you, but we have understood that a packet from you hath been cast away, and therefore we desire that on all future occasions you wou'd send us duplicates of all you write us. *Enclose* a letter from H.M. by which you are directed to transmit constant accounts in relation to the public stores therein mentioned. We likewise send you copies of 2 Acts past here the last Sessions of Parliament, for prohibiting all trade and commerce with France, and for preventing all traitorous correspondence with H.M. enemies, which you are to publish in your Government, and which will be a direction to you in all cases of that nature. We do likewise inclose to you several printed Acts of Parliament, for the incouraging the importation of naval stores into this Kingdom, together with a letter from Mr. Secretary Hedges in that behalf, hoping for a good effect from this new undertaking. We have further to remind you of that clause in your Instructions which requires you to send over a compleat collection of all the laws in force in your Government. We desire you therefore to dispatch the same with all convenient speed. [*C.O.* 5, 726. *pp.* 308, 309.]

April 20. **1055.** Council of Trade and Plantations to the Queen. Whitehall. Having received letters from the Lord Cornbury, your Majesty's Governor of New Jersey, representing to us several particulars, wherein your Majesty's service may require some alterations in your Majesty's former Instructions to his Lordship, and having heard the persons concerned in the Propriety of that country, we herewith humbly present to your Majesty the draught of an additional Instruction to the Lord Cornbury, which we humbly conceive will very much conduce to the better settlement of that Province. *Annexed*,

1055. i. Additional Instructions to Governor Lord Cornbury. St. James's, May 3, 1705. It having been represented to us by you, our Governor, that several inconveniences have arisen from the manner of choosing Representatives

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according to your Instructions, It is our will and pleasure and you are accordingly to make the same known in the most publick manner, that the method of choosing Representatives for ye future be : Two by the inhabitants, householders of the city or town of Perth Amboy in East New Jersey, and two by the freeholders of each of the five Counties of the said division of East New Jersey ; two by the inhabitants, householders of the city or town of Bridlington in West New Jersey, two by the inhabitants, householders of the town of Salem in the said division, and two by the freeholders of each of the four Counties in the said division of West New Jersey ; which persons so to be chosen make up together the number of 24 Representatives, as limited by our former instructions. And it is our further will and pleasure that no person shall be capable of being elected a Representative by the freeholders of either Division, as aforesaid, or afterwards of sitting in General Assemblies, who shall not have 1,000 acres of land of an estate of freehold in his own right, within the Division for which he shall be chosen, or a personal estate in money, goods, or chattels to the value of 500*l.* sterling ; and all inhabitants of our said Province, being so qualify'd as aforesaid, are hereby declar'd capable of being elected accordingly. And it is likewise our pleasure that no freeholder shall be capable of voting in the election of such Representative, who shall not have 100 acres of land of an estate of freehold in his own right within the County, for which he shall so vote, or a personal estate in money, goods or chattels to the value of 50*l.* sterling, and all freeholders in our said Province, being so qualify'd as aforesaid, are hereby declar'd capable of voting in the election of Representatives, which number of Representatives shall not be enlarged or diminished, or the manner of electing (hereby directed) altered there otherwise than by an Act or Acts of the General Assembly, to be confirmed by the approbation of us, our heirs and successors. And whereas it may be inconvenient that the Governor and Lieut. Governor of our said Province of New Jersey be both of them absent from thence at the same time, it is our will and pleasure that as soon as the General Assembly of our said Province shall have provided a house for ye reception of you, our Governor, and our Lieut. Governor ; with a convenient room for the Meeting of our Council, and settled convenient salaries, which you are in our name to press them to do ; that either you or our Lieut. Governor do constantly reside in our said Province, and that you be not both absent at the same time. It is likewise our will and pleasure that no fees be exacted or taken by any of the Officers under you for the grants of lands made by the Agents of

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the Proprietors: and the said Agents are to deliver over to you in Council duplicates of all such grants to be registered in our Council books. [*C.O.* 5, 994.A. pp. 190–195.]

April 20.
Fort William
in St. Johns.

1056. Lt. Moody to Governor Dudley. *Announces* “the miserable destruction and devastation the French forces have made in H.M. territories in Newfoundland under M. Subercasse, Governour of Placentia, who on Jan. 21, after taking into his possession all our Southernmost parts and did alsoe secure about three o'clock in the morning the Harbour of St. John's, and about five the same morning did lay formall siege to the Fort, which I have the honour to command with about 40 soldiers. His forces consisted of about 600 French Canadians and savages with about 30 Commission officers, who after 5 weeks' siege, altho our Garrison was in a miserable and weak condition, was forced to withdraw his forces and march back with part of them for Placentia, but by God's Blessing and the undaunted courage and bravery of my men,—by the nerest computation with the loss of 200 men, besides severall principall officers of note. The Canadians and Indians upon their departure from this Harbour steer'd their course to the northermost parts as far as Bonavista, makeing the like destruction and devastation as they went, seulpting and murdering a great number of our inhabitants. Where they now continue, in expectation to meet with our Northern Furriers. So that indeed this Land, except H.M. Garrison here, is totally destroyed, they having burnt all stages, storehouses and effects, besides carrying most of the youthfull strength of this Harbour to Placentia. By continual duty in the severest of weather and the continual attacks day and night of the enemy, I have not 40 men to maintaine this Garrison, which Mounsieur Subercasse threatens with fire and sword, as soon as men of warr arrive from France, which he dayly expects, he being cruelly intraged against me for the loss of so great a number of his men. But noe threats of his shall alter my fixt resolution of maintaining H.M. honour and interest in these parts to the last drop of blood against all her Enemies whatsoever. And now beg leave to represent what fatall consequences might ensue, if Mounsieur Subercasse, as I am fully perswaded he will, attackt us againe this year, which may prove fatall to this Garrison, he now knowing its strength, unless timely assisted with new forces, which I doe not expect from England till the latter end of October next, or Nov. I represent our sad and dangerous condition to consideration of your Excellency and Councill, and if you think fitt to afford us some assistance, it will ad noe small encouragement to us all—the Inhabitants of this place for the generallity being not worth my mentioning to your Excellency.” *Prays* that he will send news to England by all opportunitys from New England, *etc.* *Signed*, J. Moody. *Subscribed*, This letter came to my hands, May 9, which I thought proper to cover to yourself (? *Mr. Bluthwayt*). *Signed*, J. Dudley. *The whole endorsed*, Recd. from Mr. Blathwayt, Read July 24, 1705. 4 pp. [*C.O.* 194, 3. No. 54.]

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April 20.
Whitehall.

1057. Council of Trade and Plantations to Governor Lord Cornbury. We are now to answer your letters of Jan. 14, 170³, and Nov. 4 last, relating to your Government of New Jersey. We have considered what your Lordship writes about the method of chusing Assembly-men; and have laid before H.M. the draught of an additional Instruction for altering the same, which we hope will tend more to the ease and advantage of the Province. We agree with your Lordship that the Bill to settle and confirm the estates of the Proprietors, as you have transmitted it to us, was unfit to be past; your Lordship will do well therefore upon all occasions to examine carefully all the Bills that shall be presented unto you to be passed into Acts. We observe what your Lordship writes about the Proceedings of the Assembly, in relation to the settling of a Revenue; whereupon we must advise your Lordship to move the next Assembly, that they settle the Revenue for 21 years, and in case they will not come up to that term, your Lordship do not accept it for less than 11 years: We think that 1,500*l.* for the first year, and 1,000*l.* per annum for the succeeding years may be sufficient, if disposed of as follows: vizt., 400*l.* per annum for your salary and travelling charges, 200*l.* per annum for the salary of ye Lieut. Governor, and for his travelling charges, and the residue for the contingent charges of the Government. And you are to recommend to the Assembly that in the taxes to be raised, there be a due proportion in the assessments that shall be laid, as well upon those lands, according to their value, as upon personal estates. We think your Lordship will do well to leave the determination about elections of Representatives to that House, and not to intermeddle therein, otherwise than by issuing of writs for any new election. And in all other matters your Lordship is to take especial care, that in the administration of the Government, all things be carry'd on in the most equitable and satisfactory manner to the inhabitants of that Province, with regard to their separate interests. And as your Lordship does take notice to us, that some Members are chosen into the Assembly, that are incapable of serving H.M. and their country; against which provision is now made by H.M. Instruction by the enlarging of the necessary qualifications; so we hope your Lordship will take care on your part, that no other persons be chosen Justices of the peace or other Officers, but such as may be of a competent estate and capacity for that service. [*C.O.* 5, 994.A. pp. 197-200.]

April 20.
Whitehall.

1058. Circular letter from the Council of Trade and Plantations to Governors, enclosing H.M. renewal of Commissions for trying pirates in the Plantations, pursuant to the Act *for the more effectual suppression of piracy*, 11 and 12 William III. You are to give us a constant account of your proceedings in this affair. [*C.O.* 324, 9. pp. 103, 104.]

April 20.
Whitehall.

1059. Council of Trade and Plantations to the Queen. We humbly lay before your Majesty new seals for the Plantations (except Jamaica, which is not yet finished), with draughts of

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warrants for your Majesty's signature, directing that they be made use of. [*C.O.* 324, 9. *pp.* 104, 105.]

April 21. **1060.** Sir H. Ashhurst to W. Popple, jr. Reed. yours of
Waterstock. 18th inst. jest now with ye inclosed petition referred by ye Queen
and Council to ye Council of Trade and Plantations. *Prays* to
be heard on returning to town before they return answer to H.M.
Signed, Hen. Ashhurst. *Endorsed*, Reed. Read April 24, 1705.
Addressed. *Postmark*. $\frac{3}{4}$ p. *Enclosed*,

1060. i. Humble petition of the people called Quakers on
behalf of that people in Connecticut Colony in New
England. Notwithstanding the great favour which for
severall years all Protestant dissenters have here enjoyed
under the kind influence of the Government, wee under-
stand in that Colony a penall Law is made against our
friends and printed at Boston in 1702. The Act hath
a tendency to extirpate our friends out of that Colony
by subjecting them to the grievous penalties therein
contained. *Pray* H.M. to disallow it. The penalties
of it are esteemed so much the moor hard as being
made by persons who have no less the advantage of
toleration than the Queen's petitioners. 1 p. *On back*.
St. James's. April 8, 1705. H.M. refers above petition to
the Council of Trade and Plantations for their report.
Signed, Ro. Harley.

1060. ii. Copy of Act of Connecticut entituled Hereticks. To
prevent the danger persons are in of being poisoned
in their judgements and principles by Hereticks, whether
Quakers, Ranters, Adamites or such-like, it is hereby
enacted that no persons in this Colony shall give any
unnecessary entertainment unto any Quaker, Ranter,
Adamite or other notorious Heretick on penalty of
5*l.*, and 5*l.* per week shall be payd by each Towne that
shall suffer their entertainment. And further, that it
shall be in the power of the Governour, Deputy Governour
or Assistants to order that all such Hereticks as aforesaid
be committed to prison or sent out of this Colony, and
no person shall unnecessarily fall into discourse with any
such Hereticks upon the penalty of 20*s.* No person
shall keep any Quaker's Books or manuscripts containing
their errors (except the Governor, magistrates and
elders) upon penalty of 10*s.* per time *etc.* All such
books shall by the Constable be seized and delivered to
some Assistant or J.P., to be kept by him until the
next County Court, and then the said County Court
shall take care that all such Books be utterly sup-
pressed. No master of any vessell shall land such
Hereticks in this Colony, which if they doe, they shall be
compelled to transport them out of it upon penalty of
20*l.* *Endorsed*, April 17, 1705. 1 p. [*C.O.* 5, 1263.
Nos. 15, 15*i.*, ii.; and (*without enclosures*) 5, 1291.
pp. 145, 146.]

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 April 23. **1061.** Order of Queen in Council. Referring enclosed petition
 St. James's. to the Council of Trade and Plantations. *Signed*, Chris. Musgrave.
Endorsed, Reed. Read June 19, 1705. 1 p. *Enclosed*,
 1061. i. Richard Downes to the Queen. Prays to be heard
 to the reasons transmitted by Governor Sir B. Granville
 for not admitting him to the Council as directed by
 H.M. Order, Feb. 24, 1703. *Copy*. 2 pp. [*C.O.* 28, 7.
Nos. 151, 151.i.; and 29, 9. pp. 320-324.]
- April 23. **1062.** Order of Queen in Council. Referring back the whole
 St. James's. matter of the Four Suspended Councillors of Barbados to
 the Council of Trade. They are to permit the parties con-
 cerned to have copies of the answer of the Council and Assembly
 lately received, and, upon hearing all the parties concerned,
 to report to H.M. *Signed*, John Povey. *Endorsed*, May 10, 1705.
 1½ pp. [*C.O.* 28, 7. No. 152; and 29, 9. pp. 301, 302.]
- [April 23.] **1063.** The Answer of the Council and Assembly of Barbados
 to the Complaints of the Absenting Members of the Assembly
 and of the Suspended Councillors against Governor Sir B. Granville.
 A large book, under the Seal of the Island. This is, no doubt,
 the "great volume" referred to in the House of Lords proceedings.
H. of L. MSS. vi. p. 365. *Contains* Copies of many papers and
 proceedings abstracted above, and A Narrative of the Occurrences
 in Barbados for Two Years. *etc.* Reed. May 10, 1705. 570 pp.
 [*C.O.* 28, 8.]
- April 23. **1064.** Order of Queen in Council. Approving Representation
 St. James's. of April 20. Col. Nott's Instructions to be prepared for H.M.
 signature accordingly. *Signed*, Chris. Musgrave. *Endorsed*,
 Reed. April 27, Read May 2, 1705. ¾ p. [*C.O.* 5, 1314. No. 55;
 and 5, 1361. p. 199.]
- April 23. **1065.** Order of Queen in Council. Approving Representation
 St. James's. of April 20th. Enclosed Instruction to be prepared for H.M.
 signature. *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read
 April 27, 1705. ¾ p. *Enclosed*,
 1065. i. Additional Instruction for Governor Seymour.
 St. James's, May 3, 1705. Whereas we have thought
 fit to give directions to our Governor of Virginia to move
 the Assembly to pass an Act or Acts for the building of
 towns, warehouses, wharfs and keys at proper places
 upon the 4 great rivers and on the Eastern shore of our
 said Collony, which will be very usefull and serviceable
 in bringing the people to a more regular settlement,
 and of great advantage to trade in the more expeditious
 lading and unlading of ships; and it being for the same
 reasons necessary that towns, warehouses, wharfs and
 keys be likewise built upon the rivers of Potomack,
 Petuxent, and on the opposite shoar in our Province of
 Maryland, you are upon your receipt hereof to lay this
 our Instruction before our Council there, and to recom-

1705.

mend to the General Assembly of Maryland the passing of an Act for that purpose to be presented to us, which may take in as much as possible the several interests of the inhabitants and Planters there, and Merchants here, in which Act so to be passed the term of two years may be allowed from the passing thereof, for the building of towns and warehouses, and for the setting out and appointing of wharfs and keys exclusive of any other places, for the lading and unlading ships as aforesaid, the number of which towns are not to exceed 3 at most on each of the said rivers and two upon the opposite shoar; and you are to correspond with our Governor of Virginia in the carrying on of this good work, in both our said Colonies, and you are to give us and our Commissioners of Trade and Plantations a constant account of your proceedings herein. $2\frac{1}{2}$ pp. [C.O. 5, 721. Nos. 2, 2.i.; and 5, 726. pp. 309-311; and (without enclosure) 5, 715. No. 86.]

April 23. **1066.** Order of Queen in Council. Warrants to be prepared for H.M. signature for using new Seals in Virginia, Maryland, New Hampshire, Massachusetts Bay, New Jersey, New Yorke, Barbados, Leeward Islands and Bermuda. *Signed*, Chris. Musgrave. *Endorsed*, Reed. April 27, Read May 2, 1705. 1 p. [C.O. 323, 5. No. 81; and 324, 9. pp. 105, 106.]

April 23. **1067.** Capt. Lloyd to Sir Charles Hedges. Being informed that the Commodore of the convoy to Newfoundland is appointed to act as Commander in Chief of the garrison there during his stay, calls attention to some inconveniencies that may arise therefrom, as that a Commander of a man of war is not acquainted with the discipline of land forces; soldiers may prove refractory under a command independant of their own officers etc., etc. *Signed*, Thos. Lloyd. 2 pp. [C.O. 194, 22. Nos. 17 and 17A.]

April 23. **1068.** Order of Queen in Council. Additional Instruction to Lord Cornbury (Jersey) (*see* No. 1055) to be prepared. *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read April 27, 1705. 1 p. *Enclosed*,

1068. i. Copy of Instructions referred to in preceding. 2 pp. [C.O. 5, 980. Nos. 35, 35.i.; and (without enclosure) 5, 970. No. 28; and 5, 994.A. p. 201.]

[April 24.] **1069.** Merchants, Planters and Manufacturers of Tobacco to the Queen. Divers Merchants having contracted with the Czar of Muscovy for importing tobacco into his Dominions, many thousand hogsheads were here manufactured. But the Contractors not being contented with reasonable gains and finding tobacco planted there much cheaper then can be sent from hence, sent engines and materials thither for manufacturing tobacco of the growth of Russia and its dependencies, which tends to the utter ruin of many of your Majesty's subjects, to the great prejudice of

1705.

Virginia and Maryland etc. 66 signatures. *Inscribed*, St. James's, April 24, 1705. H.M. refers *above* for the report of the Council of Trade and Plantations. *Signed*, Ro. Harley. 1½ pp. *Enclosed*.

1069. i. Reasons advanced in support of above petition, showing why the Contractors should be enjoined to procure the speedy return of the utensils sent for manufacturing tobacco and why H.M. Envoy should endeavour to obtain from the Court of Moscow free importation of tobacco into the Czar's Dominions by any of H.M. subjects. *Endorsed*, Reed. Read May 3, 1705. 1 large p. [C.O. 5, 1314. Nos. 56, 56. i., ii.; and 5, 1361. pp. 205-214.]

April 25.
Crotchett
Fryers.

1070. Mr. Merrett to Mr. Secretary Hedges. *Proposes* that the stores of war for New York be sent under convoy of the *Leostalfe* [? *Lowestoft*] man of war now sailing, and that she be detained till the stores are aboard the *Genoa* galley, the only ship now ready for New York. *Reminds* him of the dispatch of recruits for Newfoundland with Capt. Lloyd, as the next convoy sails in May. *Signed*, Solomon Merrett. *Endorsed*, R. April 25. *Addressed*. *Sealed*. 1 p. [C.O. 5, 1084. No. 26.]

April 26.
Whitehall.

1071. Council of Trade and Plantations to Lt. Governor Bennett. Since our letter of March 6, we have recd. yours of Dec. 28. We have laid before H.M. what you write relating to the trial of Lieut. Henley, and when H.M. pleasure shall be signified thereupon, you will have timely notice thereof. In the meantime we will not doubt but you will treat him with humanity in regard to his wife and children, and give him such liberty as may consist with his health and your own safety, taking particular care that he don't escape and go a Buckaneering. The Laws you have sent us are without any date, so that we cannot tell at what time they were past. We desire you to avoid such faults for the future by taking care that the time when each Act was past be inserted at the end thereof. And whereas you have sent us an Act to *prevent the insolence of negroes*, wherein there is a clause for castration, we do not think it fit that part of the Law be executed, there being no doubt but that by your next you will hear it is repealed. We are to remind you of one of your Instructions, which requires you to transmit to us, as often as there is opportunity, copies of the Minutes of the Councill and General Assembly, which you have not hitherto done; and therefore we desire you to send us as soon as may be all the Minutes both of Councill and Assembly since your Government. Inclosed we send you H.M. letter by which you are directed to take due care to transmit constant accounts in relation to the publick stores. We send you also copies of two Acts, for prohibiting all trade and commerce with France, and for preventing all traitorous correspondence with H.M. enemies, which you are to publish in your Government, and which will be a direction to you in all cases of that nature. We send

1705.

you likewise for your information a printed copy of an Act past here the last Session of Parliament which has been sollicitied by this Board, *for encouraging the production of naval stores in America*, by which means we hope H.M. Islands will be supplied at a much cheaper rate with those commodities. [C.O. 38, 6. pp. 117-119.]

April 26.
Whitehall.

1072. Council of Trade and Plantations to Mr. Secretary Hedges. *Describe the French papers sent us [see April 12].* The other letters and papers we do not find to be of any import, but applications from the Spaniards to the King and Ministers of Spain, as also to the King of France for preferments upon vacancies that have happened in the Islands of St. John de Portorico and Hispaniola. [C.O. 153, 9. pp. 128, 129.]

April 26.
London.

1073. Mr. Dummer to W. Popple. *Gives sailings of the King William sloop to the West Indies. 102 days out and home with a stop at Seilly. This navigation is as positive as any sea affair can be reduced to, etc. Signed, E. Dummer. Endorsed, Reed. April 28, 1705. Addressed. 1 p. [C.O. 323, 5. No. 80.]*

April 26.
Whitehall.

1074. Council of Trade and Plantations to the Queen. Recommend Lt. Henley [see Dec. 28, 1704] to H.M. mercy, and that another Lieutenant be sent in his place, and that the Governor [of Bermuda] assist him and his family in their return home. Whereas there is an Act lately past in those Islands *to prevent the insolvency of negroes and other slaves*, in which there are some inhumane penalties inflicted, we are humbly of opinion that the said Law be set aside. [C.O. 38, 6. pp. 114-116.]

April 26.
St. James's.

1075. Order of Queen in Council. Approving *above Representation re Lt. Henley*. Mr. Secretary Hedges to give the necessary directions accordingly. *Signed, Chris. Musgrave. Endorsed, Reed. Read May 2, 1705. 1 p. [C.O. 37, 7. No. 8; and 38, 6. pp. 123, 124.]*

April 26.
St. James's.

1076. Order of Queen in Council. Repealing Act of Bermuda *for preventing the insolvency of negroes, etc. Signed, John Povey. Endorsed, Reed. Read April 27, 1705. 2 pp. [C.O. 37, 7. No. 7; and 38, 6. pp. 121-123.]*

April 26.
Whitehall.

1077. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose extract of letters from Col. Johnson relating to the trade with St. Thomas. Refer to their two recent Representations "in that behalf, and also to the want of a man of war for the service of the Leeward Islands." Enclose, Col. Johnson's agreement for exchange of prisoners. [See Feb. 9, 1705.] [C.O. 152, 39. No. 102; and 153, 9. p. 130.]*

April 26.
Whitehall.

1078. Council of Trade and Plantations to Lt. Governor Johnson. Since ours of March 6, we have received yours of Feb. 6 and 9 last. We have laid before H.M. what you write

1705.

about a trade carried on to St. Thomas, as also about the want of a frigate. As to the Collection of the laws required, tho it be a work of difficulty, yet it being so much for H.M. service, it must be done, and therefore you will do well to loose no time in perfecting the same. We are glad to perceive the fortifications in such a forwardness, and shall expect the plans thereof you promise us, as also a list of the stores of warr wanting. We must observe to you upon what you write about your having filled up the vacancies in the Councill of Antegoa and Mountserratt, that you have not observed the directions of H.M. Commission to Sir W. Mathew, by which only you act as Governor in Chief; for you are thereby only impowered in case there be less than 7 Counsellors residing in each of the respective Islands to put in so many persons as will make up the number of each Councill to be 7, and no more, but we find by our books that at the time of your filling the said vacancies there were 10 Councillors residing in Antegoa and 9 in Mountserratt, so that the persons put in by you into those Councils or any other Councils to make them up more than the number of 7, are not legally constituted Counsellors, and therefore all Proceedings had in Councill upon Writs of Error or Appeals, whilst they sit there as Judges, will be deem'd null and void. We have seen an Agreement with the Governour of the French Charibee Islands for the exchange of prisoners transmitted with your foresaid letters, but whereas you have not given us any account thereof in your letters, we have not been able to consider the same so thoroughly as we might have done. However, we have laid the same before H.M. And since flaggs of truce are by that Agreement to be frequently admitted into your Government, you are to be very cautious that the persons who shall come with those vessells do not inspect or view H.M. fortifications, to prevent which you will do well therefore to appoint some person to attend the said flaggs of truce during their stay in those Islands, the French having lately sent disguised engineers to Barbados on that account. H.M. having been pleased upon the death of Sir W. Mathew to appoint Col. Park to be Governor in Chief, his Commission and Instructions are passing accordingly. But, as we understand, he will not be ready to depart from hence these two or three months. We inclose copies of two Acts past here the last Session of Parliament for prohibiting all trade and commerce with France, and for preventing all traitorous correspondence with H.M. enemies; which you are to publish in the Leeward Islands, and which will be a direction to you in all cases of that nature. We inclose a letter from Mr. Secretary Hedges, relating to the powder duty demanded by Mr. Dummer's packet boats, which will be a direction to you how to behave yourself in that matter. We send you likewise for your information a printed copy of an Act past here the last Session of Parliament, which has been solicited by this Board, for encouraging the production of Naval Stores in America, by which means we hope H.M. Islands will be supplied at a much cheaper rate with those commodities. [*C.O.* 153, 9. pp. 131-135.]

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April 26.
Whitehall.

1079. Council of Trade and Plantations to Governor Handasyd. Since ours of March 6, we have received yours of Feb. 27. We are sorry to perceive that Mr. Totterdale gives you so much uneasiness, but for want of a particular account of that affair, not having received the Minutes of Council you refer us to, we are not able to return you any answer thereunto. We have nothing to add to what we writ you in our foresaid letter of March 6, relating to the trade with the Spaniards, and we doubt not but you will take all possible care therein. We enclose a letter from Mr. Secretary Hedges relating to the powder duty demanded by Mr. Dummer's packet boats, which will be a direction to you how to behave yourself in that matter. We send you also copies of 2 Acts past here the last Session of Parliament for *prohibiting all trade and commerce with France* and for *preventing all traiterous correspondence with H.M. enemies*, which you are to publish in your Government, and which will direct you in all cases of that nature. We send you likewise for your information a printed copy of an Act past here the last Session of Parliament, which has been solicited by this Board for *encouraging the production of naval stores in America*, by which means we hope H.M. Islands will be supplied at a much cheaper rate with those commodities. [C.O. 138, 11. pp. 393, 394.]

April 26.
Whitehall.

1080. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letter of Jan. 31. We are glad everything is so well settled in the Islands as you represent to us. As to the matters in difference between you and the several Petitioners, we had prepared our Report to H.M., but upon the application of the Agents that the papers last sent from the Council and Assembly in that matter might be previously examined, the determination upon our Report is suspended. *Enclose* copies of Acts *prohibiting trade with France*, and for *preventing all traiterous correspondence*, which you are to publish in Barbados, and which will be a direction to you in all cases of that nature. *Enclose* letter from Mr. Secretary Hedges relating to the powder duty, and a copy of the Act for *encouraging the production of Naval Stores, &c.* [C.O. 29, 9. pp. 291-293.]

April 27.
Whitehall.

1081. Council of Trade and Plantations to Lt. Governor Bennett. Herewith goes the repeal of the Act to *prevent the insolencies of negroes &c.*, occasioned by the clauses relating to the castration, all and every of which are disapproved as inhumane and contrary to all Christian Laws. And whereas it is necessary that that generation of people should be kept under due obedience and correction, it may be requisit that a Law be made for the whipping and imprisoning of them and inflicting other punishments suitable to their misdemeanors, provided the same do not extend to the loss of limb or member, which is not to hinder their being punished with death in cases deserving the same. And you are to take care hereafter not to pass Acts of this nature, which are so unfit to be approved of, since the passing thereof does very much reflect upon your prudence. [C.O. 38, 6. pp. 120, 121.]

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April 30.
Fleet Prison.

1082. J. Clifford to the Council of Trade and Plantations. MESSRS. SHIPPARD and GARDNER have shown me their report, which they have drawn up in my favour, though not fully according to the merits of my case, and I made an affidavit that my accounts *etc.* were true. I am ready *to do anything else required etc.* If your Lordships does not seriously consider and lay before H.M. my present great want, whereby I may be supplied with bread, both myself and my poor wife must in few day(s) certainly perish or come to the charge of the parish, by reason that the Dutch hath for these several years past made themselves masters of all I have in Holland and Surinam, whereby I am in a deplorable condition without eloths, money or credit in a gaol. *Signed, Jer. Clifford. Annexed,*

1082. i. J. Clifford to Samuel Shippard. If I can have paid me in two months' time 20,000*l.* guineas in the Exchequer or Bank of England for my damages, my plantation and all I have in Holland and Surinam, which amounts to above 60,000*l.* sterl., I will give a full transfer of all *etc.* *Signed, Jer. Clifford. Endorsed, Reed.* April 30, Read May 2, 1705. 3 pp. [*C.O.* 388, 75. Nos. 121, 121.i.; and 389, 36. pp. 266-270.]

May 1.
Fleet Prison.

1083. J. Clifford to the Council of Trade and Plantations. My ease has been waiting for near ten years, and I am reduced to that degree of want that without speedy relief both myself and my good wife must certainly perish. I pray that your honble. Board will cause inclosed petition to be read before H.M. in Council, whereby myself and my good wife may be relieved with bread. *Signed, Jer. Clifford. Holograph.* 1 p. [*C.O.* 388, 75. No. 122; and 389, 36. pp. 271, 272.]

May 2.
Whitehall.

1084. W. Popple, jr., to J. Clifford. In reply to letters (April 17, 21, 30) the Council of Trade and Plantations have and will continue to do all within their power for the dispatch of your affair. They have sent one of their clerks to solicit a final determination by the merchants to whom your accounts were referred. It is not usual for the Board to present any petition to H.M., for which reason they return your petition [May 1st]. [*C.O.* 389, 36. pp. 273, 274.]

May 2.
Whitehall.

1085. Council of Trade and Plantations to Sir Charles Hedges. We desire you would please to lay before H.M. the Additional Instruction for New Jersey, as likewise that for settling Ports in Maryland, and the warrants for using the new Seals in the Plantations, that, if possible, they may be sent to Col. Nott, who only waits now for a fair wind, after which there will be no other opportunity of conveyance for many months, *etc.* [*C.O.* 5, 994.A. p. 202.]

May 3.
St. James's.

1086. Order of Queen in Council. Upon reading Mr. Clifford's petition (*cf.* May 1st), Ordered that he be recommended to the Lord High Treasurer for some allowance whilst his case is

1705.

depending, and that the Council of Trade and Plantations recommend the persons to whom his accounts are referred to hasten their report *etc.* *Signed*, John Povey. *Endorsed*, Recd. Read May 9, 1705. $1\frac{1}{4}$ pp. [C.O. 388, 75. No. 123; and 388, 36. pp. 274-276.]

[May 3.]

1087. S. Thomson to the Council of Trade and Plantations. The accusers of Governor Nicholson swear point-blank contrary to the Records. I never heard of any uneasiness of H.E. administration. The country seems to be without the least apprehension of any insurrection. *Refers* to Journal of Council to clear him of any partiality *etc.* *Signed*, S. Thomson. *Endorsed*, Recd. Read May 3, 1705. 1 *closely written* p. [C.O. 5, 1314. No. 58; and 5, 1361. pp. 201-204.]

May 3.
Whitehall.

1088. W. Popple, jr., to Mr. Jones, Secretary of Bermuda. The Council of Trade and Plantations having been informed that, notwithstanding the admonitions they gave you at your departure from hence, you have in several places since then taken some undecent liberties in speaking against H.M. Lieut. Governor of Bermuda, though they are unwilling to take this for truth, they order me however to give you this caution, that you take care to live in a peaceable and respectfull manner with the Governor, as their injunctions and your promise oblige you. [C.O. 38, 6. pp. 124, 125.]

May 3.

1089. Warrant for allowing and directing the use of a new Seal for ye Province of New Jersey. To our right trusty and well-beloved Edward Lord Viscount Cornbury, our Captain General and Governor in Chief of our Province of New Jersey and the territories depending thereon in America, and to the Commander in Chief of the said Province for the time being, greeting. Herewith you will receive a Seal appointed by us for the use of our Province of New Jersey and the territories depending thereon in America; the same being engraven on the one side with our Arms, Garter, Supporters, Motto and Crown, with this inscription round the same, *Sig. Provinciæ nostræ de Nova Cæsarea in America*, which said Seal we do hereby authorize and direct to be used in the sealing all patents and publick grants of lands, and all publick Acts and Instruments, which shall be made and passed in our name, and for our service within our said Province and the territories depending thereon, and that it be to all intents and purposes of the same force and validity as any former Seal within our Province or as any other Seal whatsoever appointed for the use of any of our Plantations in America. *Countersigned*, C. Hedges. [C.O. 5, 994.A. pp. 190-196.]

May 3.

1090. Similar warrant for a New Seal for New York "engraven on the one side with our Royal Effigies and two Indians kneeling and offering presents unto us, with our Royal titles round the circumference, and on the other side with our Royal Arms, with

1705.

the Garter, Crown, Supporters and Motto, and this Inscription round the circumference, *Sigillum Provinciæ nostræ novi Eboraci in America*. [C.O. 5, 1120. pp. 289, 290.]

- May 3. **1091.** Draught of a warrant directing the use of a new Seal for the Leeward Islands, "engraven on the one side with our Royal Effigies in a Chariot drawn by two Sea-horses," and this inscription round the circumference, *Sigillum Insularum St. Christopher, Nevis, Antegoa, Mountserrat etc.*, and on the other our Royal Coat of Arms *etc.*, and title round the circumference. [C.O. 153, 9. pp. 120, 121.]
- May 3. **1092.** Similar Warrant for a new Seal for Maryland, engraven on the one side with the Royal Arms and title, and on the other "the Royal Cypher crowned, and this inscription round the circumference, *Sigillum Provinciæ de Maryland in America*." [C.O. 5, 726. p. 307.]
- May 3. **1093.** Similar warrant for a new Seal for the Massachusetts Bay, "engraven with our arms, Crown and Garter, and this inscription round the circumference, *Sig. Reg. Provinciæ de Massachusetts Bay in Nova Anglia in America*, and this other Inscription, *Anna D.G.M. Br. Fr. et Hib. Reg.*" *etc.* Former seals to be defaced and broken. [C.O. 5, 911. pp. 466, 467.]
- May 3. **1094.** Similar warrant for a new seal for New Hampshire, "engraven with our arms, Garter, Supporters, Motto and Crown, and this Inscription round the same, *Sig. Provinciæ Nostræ Novæ Hamptoniæ in Americ.*" Former seals to be defaced and broken. [C.O. 5, 911. pp. 467-469.]
- May 3. **1095.** Similar Warrant for a new Seal for Bermuda. A new Seal, enclosed, to be used, "which Seal is engraven with our Arms, Garter, Supporters, Motto and Crown, with the Inscription round the same, *Sigil. Insular. Nostrar. de Bermud. in Americ.*" [C.O. 38, 6. pp. 103, 104.]
- May 3. **1096.** Similar warrant for a new Seal for Virginia, which Seal is engraven with our arms, Garter and Crown, with this Inscription round the same, *En dat Virginia Quintum*. [C.O. 5, 1361. pp. 196, 197.]
- May 3. **1097.** Similar warrant for a new Seal for Barbados *etc.*, "engraven on the one side with our Royal Effigies in a Chariot drawn by two Sea-Horses, and this motto in the circumference, *Et penitus toto regnantes orbe Britannos*, and on the other side with our Royal Coat of Arms, with the Garter, Crown, Supporters and Motto, and our titles round the circumference, with this addition, *Domina Barbadoe et Insularum Charbearum*," *etc.* [C.O. 29, 9. pp. 282, 283.]
- May 4. **1098.** Sir Charles Hedges to the Council of Trade and
Whitehall. Plantations. It is H.M. pleasure that you give the reasons for

1705.

putting the command of the garrison in Newfoundland into the hands of the Captain of the Convoy, and what inconvenience there may be, if it be not done, and whether you have observed any to arise to the Colony when it was otherwise. The Additional Instructions for New Jersey and Maryland *etc.* are signed by H.M. *Signed*, C. Hedges. *Endorsed*, Recd. Read May 8, 1705. 1 p. [C.O. 194, 3. No. 55; and 195, 3. pp. 438, 439.]

May 4.
Crotchet
Fryers.

1099. Mr. Merrett to [? *Sir Charles Hedges*]. Pursuant to your commands I send you the copy of what I laid before your Honour March 21 relating to Placentia. For the more effectually keeping this design private (as yr. Hon. was of the opinion) the detachment of the force sent thither should be made from Lisbon to saile by the middle of August next, the Office of Ordnance to have orders in time to take up a ship at Lisbon on pretence to carry them to the West Indies or New England, with a man of war for convoy, to open their orders at sea *etc.* Capt. Lloyd to have a Commission to be sole Commander of this expedition *etc.* *Signed*, Solomon Merrett. $\frac{1}{2}$ p. [C.O. 194, 22. No. 18.]

[May 4.]

1100. Sir H. Ashhurst, Agent for Connecticut, to the Council of Trade and Plantations. The Act [*complained of, April 21*] was made 32 years ago, and intended chiefly for the suppression of persons called Adamites and Ranters, and if the same be now in force, it is looked upon as obsolete, nor do the petitioners so much as insinuate that any one of their Friends have undergone any of the penaltys of the said Law. There are sufficient witnesses in the Town that can testify that the Quakers live as peaceably in this Colony as in any other H.M. Plantations. The Established Religion in this Country is the same with the Church of England in doctrine, and the inhabitants of the country do not enjoy their Religion by an Act of Toleration, as Petitioners set forth, but by the Law of the Country made in H.M. Royall Predecessor's time, when they first became a Colony. Within this 3 or 4 years there have been more complaints against that poor Colony, without any crimes proved, then ever was since they were a Colony, that makes him believe there are some persons disaffected to H.M. Governmt. that are endeavouring by all means to make them weary of their Charter Governmt., under which by the grace and favour of H.M. Royal Predecessors they have enjoyed an uninterrupted peace and quiet for many years last past, and would have done so to this day, had it not been for the fals representation of a Governor since H.M. happy accession sent into those parts, who ordered the printing of this Act at Boston two years ago on purpose that the Quakers here might joyne with his other engines set on work with their loud clamours to prevaile with the Governmt. here to take away their Charter unheard. *Prays* their Lordships to await the Reply of the Colony *etc.* *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read May 4, 1705. $2\frac{3}{4}$ pp. [C.O. 5, 1263, No. 16.]

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[May 8.]

1101. (a) Copy of a Proclamation by Governor Sir B. Granville against spreading false, malicious and scandalous news. Jan. 24, 1705. 1 p.

(b) Copy of an Order by the same to Mr. Hinton, Deputy Postmaster. You are to take out my letters from the packet in the presence of the Secretary and his clerk only, and to take the names of all such persons as shall presume to goe on board the packett-boat before the Capt. hath been with me. Neither are you to deliver any letters out of your Office till you see ye Capt. coming on horse-back to me. Dec. 23, 1704. *The whole endorsed*, May 8, 1705. $\frac{1}{2}$ p. [C.O. 28, 7. Nos. 153, 153.i.]

May 8.

1102. Committee of the Proprietors of the Eastern Division of New Jersey to the Council of Trade and Plantations. They are ready to dispatch Peter Sonmans, their Agent, and pray that he may be appointed of the Council to fill one of the two vacancies. The Agent for the West Jersey Society, Col. Morris, has already obtained that favour, a point on which the Proprietors insisted before surrendering the Government, and which the Board has always recognised as reasonable. *Signed*, Wm. Dockwra, Sec. and Reg. *Endorsed*, Recd. Read May 8, 1705. $1\frac{1}{2}$ pp. [C.O. 5, 970. No. 29.]

[May 8.]

1103. C. Hobby to the Council of Trade and Plantations. About June, 1703, Governor Dudley persuaded petitioner to fit out his brigantine, the *Charles*, as a privateer, and she sailed in July from Boston. The commander, Daniel Plowman, soon after dying, the ship's company chose John Quelch, one of their crew, to be their commander, and went a pyrating, and committed several acts of pyracies upon the subjects of the King of Portugal, and in May following returned to Boston with their booty. Whereupon John Coleman, Agent there for H.R.H. the Lord High Admiral, discovering that Quelch and crew had committed piracy, Quelch and divers of his crew were executed, and the vessell and effects forfeited. The owners having at the request of the Governor and purely for the service of the country at their own charge fitted out the vessel, it will be a very great hardship unless they have some compensation for their loss. *Prays* that the Board will not make any report until H.R.H. shall have made some determination herein. *Signed*, Charles Hobby. *Endorsed*, Recd. Read May 8, 1705. 3 pp. [C.O. 5, 863. No. 136.]

May 8.
Whitehall.

1104. W. Popple, jr., to Governor Lord Cornbury. *Encloses* Additional Instructions relating to New Jersey, and New Seals, with H.M. Warrant, for New York and New Jersey. [C.O. 5, 994.A. p. 203.]

May 8.
Whitehall.

1105. W. Popple, jr., to Governor Nott. *Encloses* new Seal for Virginia and H.M. warrant (May 3) *etc.* [C.O. 5, 1361. p. 215.]

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May 8.
Whitehall.

1106. W. Popple, jr., to Governor Dudley. *Encloses new seals and warrants for using them [see May 3].* [C.O. 5, 911. p. 470.]

May 8.
Whitehall.

1107. W. Popple, jr., to Governor Seymour. *Encloses warrant and seal and additional Instructions [May 3] etc.* [C.O. 5, 726. p. 311.]

May 8.
Portsmouth.

1108. Governor Dudley to Mr. Popple. I have been in this Province about 20 dayes with the Assembly, who have past 3 Acts only, the first agreeable to their Lordships' command referring to the salary, the other two being the graunt of the exeise and impost, and the graunt of 800*l.* to H.M. for payment of their debts. I have adventured to send them by this conveyance by Lisbon, not foreseeing any oportunity these 6 months more directly. I hope they will be aeeceptable to their Lordships *etc.* *Refers to the case of Mr. Allen as in following.* Signed, J. Dudley. *Endorsed, Read.* 24 July, 1705, Read Feb. 27, 170*½*. *Holograph.* 1½ pp. [C.O. 5, 864. No. 94; and 5. 912. pp. 261, 262.]

May 9.
Portsmouth.

1109. Governor Dudley to Wm. Blathwayt. I have sincerely intended to obey your commands referring to Mr. Allin's affairs, but could not get hither through the snow and storms till 20 daies since, and I have had an Assembly with me all this time, and to make the matter more easy and sure, have sent to every town to ehuse and impower two Commissioners to treat with Mr. Allin, and they got two daies since so far as all of them to signe *enclosed*. Mr. Allin was with me all the time, with a great deal of thankfullnesse for the care taken to move this affair forward, but four daies since fell siek, and yesterday died of a very malignant fever, and is to be interred to-morrow at the fort at New Castle. Mr. Thomas Allin, his only son, being at this time waiting on you, will I hope have the favour to be directed and governed by you. Referring to the offer of the Assembly, it is as far as I could by any means draw them, and whether Mr. Allin had accepted it or no, I am of opinion that it was his great advantage to move so forward if but by degrees. The first Article is a hearty recognition of Mr. Allin's title and sincere in its promise, and I do not doubt if peace comes to make 4,000*l.* at least of that 500,000 acres, being much better land than any already planted. The 2nd Article saves 5,000 acres amongst their towns, which will be good farms or would presently sell for 1,000*l.*, the 3rd Article gives him 2,000*l.* The 4th confirms all Mr. Mason and Mr. Allin's leases, bona fide, but bars such as have taken other men's houses and lands over their heads before ejectionment, which I think is agreeable to law, and then his money is secured, and the Tenants pray that H.M. may establish and ratifye the agreement, for fear any mortgages or intanglements should appear, as Mr. Usher's do's already upon record. Besides what those Articles refer to, Mr. Allin has his Sagadehoe Niehewannock, which are worth 1,000*l.* in peace, and after the rates abovesaid, and all his challenge on the other

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side of Merrimaack, which, if he can enter upon, is very much superior to what is sold, or intended so to be, to these four towns, which will make the whole a considerable summe. I once read these Articles to Mr. Allin the day before his death, and referred them to a further consideration without any apprehension of his death, but the whole matter is new now, and how Mr T. Allin and Mr. Usher will agree to put the affair forward I know not. They shall have my hearty endeavour in everything, but Mr. Usher will not be capable to be served by me, being so very unlike Mr. Allin's even and agreeable temper. If there be any advantage to the heir of Mr. Allin's by the procedure so far, I am glad, if otherwise I ask pardon. This day the Governour and Council were to hear the Appeal from the Superiour Court, as the Letters Patents and the Law requires, but the Appellant is removed and the matter must lie, untill the heirs pursue, there is no will that I hear of to be found. I hope Mr. Allin will be directed by you. *Signed*, J. Dudley. *Endorsed*, Reed. Dec. 1705. $2\frac{1}{2}$ pp. [C.O. 5, 863. No. 137; and 5, 912. pp. 29-32.]

[May 10.] **1110.** Virginia Merchants to the Council of Trade and Plantations. *Propose* that H.M. stop the merchants who are undertaking the manufacture of tobacco in Russia [April 24] and that steps be taken to preserve our trade with Russia and the Baltic. *Endorsed*, Reed. Read May 10, 1705. 1 p. [C.O. 5, 1314. No. 57; and 5, 1361. pp. 216, 217.]

May 10. **1111.** Messrs. Shepheard and Gardner to the Council of Trade and Plantations. We are of opinion that the sentences given against Mr. Jeronimo Clifford by the Government of Surinam were unjust, and that the States General of the United Provinces, or the West India Company of Holland, or Society of Surinam ought to pay him for costs and damages, *as set forth* 13,514l. 11s. 6d. We have made no estimate for his sufferings, but find that he has been barbarously treated and highly abused and wronged. *Signed*, Sam. Shepheard, John Gardner. *Endorsed*, Reed. Read May 10, 1705. *Copy*. 10 pp. [C.O. 388, 75. No. 124; and 389, 36. pp. 276-292.]

May 10. **1112.** W. Popple, jr., to Mr. Clifford. *Encloses* preceding for his observations thereupon. [C.O. 389, 36. p. 293.]

May 10. **1113.** Council of Trade and Plantations to the Queen. Whitehall. *Enclose following* :—

1113. i. Draught of Instructions to Daniel Park for the Government of the Leeward Islands. *Same as* those given to Gov. Codrington, C.S.P. 1699. No. 766, *with following alterations and additions*. Counsellors' names :—*Nevis* : Lt.-Gov. John Johnson, John Smergin (for Smer), and the others named in No. 112 *supra*, omitting James Thynn. *Antegoa* : As named in No. 112, *excepting* John Fry and James Thynn, and *adding* George Gambell and Christopher Codrington. *Mountserrat* : As No. 112,

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excepting William Fox, John Scott and James Thynn, *and adding* Wm. Broderick, George Wike and Wm. Gerish. *St. Christopher's*: Same as No. 112, *excepting* James Thynn. The style of enacting Laws is to be by Governor, Council and Assembly, and, in making them, different matters are to be provided for by different Acts. A complete Collection of all the Laws in force to be made and transmitted. Neither Governor nor Lieut. Governors to receive presents from the Assembly, except house-rent, if assigned at the first session after his arrival and for the whole time of their Government. The Governor to receive 1,200*l.* per annum and the Lieut. Governors 200*l.* out of the 4½ *p.c.* You are to endeavour, in consideration of our care in exempting our good subjects from the customary burden of presents, to induce the Assemblies to contribute in more ample and effectual manner to their own safety and preservation, and to communicate this declaration of our will and pleasure to the several Assemblies at their first meeting after your arrival. The same to be entered in the registers of the Councils and Assemblies. *Directions given concerning* care of correspondence, pirates and pirates' goods, power of the Vice-Admiralty, the granting of Commissions to privateers, suspending Captains of men of war, *as April 20 supra.*

A survey to be made of the fortifications and accounts thereof sent half-yearly. The harbours and landing-places to be surveyed, and fortifications erected, with the advice of the Council, as thought necessary, at the publick charges. The duty of 4½ *p.c.* will not be sufficient for compleating and keeping in repair all the fortifications *etc.*, and you are therefore to move the respective Assemblies to continue the public levies for that purpose and other public services, in which we doubt not of their cheerful concurrence from the common security and benefit they will receive thereby. You are to give encouragement to the officers of the Admiralty and Customs, and assist the officers appointed to recover arrears due for prizes brought into the Leeward Islands in the last war. You are to give an account of your neighbours, be they Indians or others, their strength and plantations. . . . Courts of Justice to be duly and frequently held so that all our subjects, and particularly the Royal African Company, may enjoy the benefit thereof and not receive any undue hindrance in the recovery of their just debts. . . . Appeals to H.M. in Council to be permitted in cases of fines of 200*l.* or over. . . . You are to get a law passed to make bankrupts' estates liable to answer debts contracted in England. In case of death or absence of Governor, Lieutenant General of the Islands and Lieut. Governor of Nevis, then the Council of Nevis shall take upon them the

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administration of the Government, but shall forbear to pass any Acts but what are immediately necessary, *etc.* All writs are to be issued in the Queen's name. We hereby empower you to do anything for the immediate advantage and security of the Islands, with consent of the Council, giving speedy notice thereof, for our ratification. Not to declare war without H.M. commands. To send accounts of all proceedings.

1113. ii. Instructions to Governor Parke relating to the Acts of Trade. [*C.O.* 153, 9. *pp.* 137-232.]

May 10.
Whitehall.

1114. Council of Trade and Plantations to the Queen. *Enclose following :*

1114. i. Draft of H.M. Warrant for using the new Seal of Jamaica. [*C.O.* 138, 11. *pp.* 395-397.]

May 12.
Fleet Prison.

1115. Jeronimy Clifford to the Council of Trade and Plantations. I am very much wronged by the Report (May 10), as may be seen by the *enclosed etc.* *Signed,* Jer. Clifford. *Endorsed,* Recd. Read May 23, 1705. *Holograph.* 2 *pp.* *Enclosed,*

1115. i. Abstract of Mr. Clifford's Accounts. 3½ *pp.* [*C.O.* 388, 75. Nos. 125, 125.i.]

May 12.

1116. Capt. Lloyd to Mr. Secretary Hedges. Recommends, according to command, Robert Lasham (? *Latham*) and Thomas Phillips to be Lieutenants to the Independent Company in Newfoundland *etc.* *Signed,* Tho. Lloyd. [*C.O.* 194, 22. Nos. 20 ; and (*duplicate dated May 9*) 21.]

May 16.

1117. Capt. Lloyd to Mr. Secretary Hedges. Last year was sent, by ye Commissioners for Victualing, to ye company at Newfoundland, meal in lew of Biskett, which being useless in that country for want of ovens *etc.*, I pray they be ordered to avoid that method, and also order money to buy melosses instead of malt for beer *etc.* It will be so late in ye year before I arrive in Newfoundland, yt. I shall not have time to provide some things I did intend to do there in relation to Platientia ; and therefore pray your Honour will give orders yt. 18 scaleing ladders, of 22ft. long each, be provided, that they be made in joynts and put up in chests. *Signed,* Tho. Lloyd. *Holograph.* 2 *pp.* [*C.O.* 194, 22. No. 19.]

[? May 16.]

1118. Memorandum of above, and other notes concerning the fleet for Newfoundland *etc.* [*? by Sir Charles Hedges.*] ½ *p.* [*C.O.* 194, 22. No. 34.]

May 16.
Whitehall.

1119. Council of Trade and Plantations to Mr. Secretary Hedges. *Reply to No.* 1098. The usage had its origin from our Representation (*C.S.P.*, 1698, No. 912). There being no Governor to see good order kept amongst H.M. subjects (*in Newfoundland*), which are very numerous in the fishing season, and we having

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often received from thence (notwithstanding the said Commission) complaints as well from the soldiers against their officers, as of inhabitants against officers and soldiers, we thought this Commission necessary because the said officers and soldiers will not be otherwise under any check from any power lodged there, and the inhabitants and fishermen deprived of all speedy relief, if any abuses be put upon them. It is also very necessary for the security of the Fort, for his inspection thereof *etc.* Before it was built, about 7 years since, there was no Company of soldiers at Newfoundland. The Commodores carry every year Instructions to make Enquiries, to which they may be disabled from making a full return, if their authority should be diminished. We are humbly of opinion that it is necessary for H.M. service that the said powers to the Commodores be continued. 2½ pp. [C.O. 195, 3. pp. 439-442; and 194, 22. No. 22.]

May 16.
Barbados.

1120. Governor Sir B. Granville to the Council of Trade and Plantations. A packet boat arrived the 13th inst., but bringing me no letters from your Lordships. I have not any unanswered except that of March 6. Enclosed is a copy of mine by the last ordinary, on board which I had sent all the Laws, and other publick papers; that packet was unfortunately taken after her departure hence between Nevis and Antigua, and the duplicates cannot be ready of all to come by this, but they will by the fleet wh. is to sail according to the time limited them in 25 dayes. I shall very strictly observe all your commands, and particularly prevent any more addresses coming directly from the Assembly by Agents of their own; and if I did not so much oppose it before as I ought otherwise to have done, it was in matters wherein I was accused, and this did more immediately show the sense of the generality, in opposition to the clamours of the few who had bin so loud in England, then any representation of my own could doe. I am very thankfull to your Lops. for their being received so favorably. I can't think but everything before this is before your Lops. that may be necessary to my justification, which I alwaies thought would more clearly appear from the publick Minutes, they being my vouchers, then from any explanation or glosses I should make. I can't well make a regular answer till I know what they swear: I have seen their petition, but if they swear to any one article as it is laid down against me, they are forsworn. I can't believe but this matter is by this time evident to your Lordships, and it is with great earnestnesse and impatience I expect your determination in regard to H.M. service and my own honour. Sir Wm. Whetstone with the fleet and convoys from England arrived here April 28th, and sailed again the 1st inst. for the Leeward Islands, intending to touch there in his way to Jamaica. *Signed*, Bevill Granville. *Endorsed*, Recd. 6th, Read Aug. 10th, 1705. *Holograph*. 3 pp. [C.O. 28, 9. No. 1; and 29, 9. pp. 358-360.]

May 17.
St. James's.

1121. Order of Queen in Council. Warrant for using the new Seal of Jamaica [May 10] to be prepared for H.M. signature.

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Signed, John Povey. *Endorsed*, Reed. Read Sept. 25, 1705.
1 p. [*C.O.* 137, 7. No. 11; and 138, 11. p. 414.]

May 17. **1122.** Order of Queen in Council. Mr. Secretary Hedges is
St. James's. to prepare the Instructions for Governor Park [May 10], for
H.M. signature. *Signed*, John Povey. *Endorsed*, Reed. Read
Sept. 25, 1705. 1 p. [*C.O.* 152, 6. No. 21; and 153, 9.
pp. 259, 260; and 152, 39. No. 103.]

May 19. **1123.** Col. Nott to Mr. Popple, [jr.]. *Acknowledges* letter etc.
On board the of May 8. *Signed*, Edw. Nott. *Endorsed*, Reed. Read May 30,
Kingston in Plymouth 1705. 1 p. [*C.O.* 5, 1314. No. 61; and 5, 1361. p. 232.]
Sound, May 19th
past a 11 a
clock noone.

May 22. **1124.** N. Gould to Mr. Popple. *Encloses following*. *Signed*,
Broad Street. Nathl. Gould. 1 p.

1124. i. Merchants concerned in the contract with the Czar of
Muscovy to the Council of Trade and Plantations. State
their case. [See April 24th.] *Signed*, Nath. Gould,
Wm. Dawsoune, Edw. Haistwell, Sam. Heathcote.
London, May 23, 1705. 2½ pp. [*C.O.* 5, 1314.
Nos. 59, 59.i.; and 5, 1361. pp. 218-224.]

May 23. **1125.** Council of Trade and Plantations to Governor Handa-
Whitehall. syd. We have during our consideration of the affairs of Jamaica
been attended by Mr. Wm. Lindal, who now goes over Captain
of a Company in your Regiment, and recommend him to your
favour. [*C.O.* 138, 11. p. 398.]

[May 23.] **1126.** Copy of a Draught of a New Patent, upon the granting
of which Mr. Penn is willing to surrender the Government of
Pennsylvania to H.M. *With the comments and criticisms of the*
Board of Trade in the margins. *Endorsed*, Reed. Read May 23,
1705. 24½ pp. [*C.O.* 5, 1263. No. 17.]

[? May 23.] **1127.** Jeronimy Clifford to the Council of Trade and
Plantations. Corrects error in accounts, May 12, and prays
that he may be subsisted by H.M. bounty till his affair is settled.
Signed, Jer. Clifford. *Endorsed*, Reed. Read May 23, 1705.
Holograph. 1 p. *Enclosed*,

1127. i. Corrected account as above. 1¾ pp. [*C.O.* 388, 75.
Nos. 126, 126.i.]

May 24. **1128.** Council of Trade and Plantations to the Queen. *Refer*
Whitehall. to Order in Council, Feb. 10, 1703, and report No. 1111. We are
of opinion the several articles thereof are clearly and fairly stated,
and that the justice of Clifford's case is such as may deserve
your Majesties grace and favour for the more speedy recovery
of his debts by the renewal of your Majesties royal intercession
with ye States General. [*C.O.* 389, 36. pp. 295, 296.]

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May 24. **1129.** Col. Codrington to the Council of Trade and Plantations. I have what I aim'd at, tho' I have been denyd the Government, ye assurance of yr. Lordships.' good opinion, and ye honour of the representation you intended are infinitely more valuable than this or any other post, tho' I should have been pleased with H.M. acceptance of my services *etc.* *Signed*, Chr. Codrington. *Endorsed*, Reed. 6th, Read Aug. 10th, 1705. *Holograph*. 1 p. [C.O. 152, 6. No. 15; and 153, 9. p. 242.]
- May 24. **1130.** Lt. Governor Johnson to the Council of Trade and Plantations. *Enclosed* are accounts of the Imports and Exports to and from this Island (except what is in boates or sloopes transported daily from Island to Island for their mutuall maintenance, which 'tis believed your Honours don't expect account of, being so very intricate and troublesome) from Jan. 12 to April 12 last. The like accounts for the preceeding 3 months had gone by the former packet boate, had she not been unfortunately taken neer this Island, ere she gott into either of the Leeward Islands, but now those accounts do go too by this packet boate. *Signed*, Jon. Johnson. *Endorsed*, Reed. 6th, Read Aug. 10th, 1705. 1 p. [C.O. 152, 6. No. 17; and 153, 9. p. 247.]
- May 25. **1131.** Capt. Lloyd to Mr. Secretary Hedges. The money for the subsistance of the Company at Newfoundland is ordered to be paid to Mr. Thurston, the Agent, who after having always made the officers uneasy by confounding their accounts and other impositions, has now quitted the Agency. Prays that the Order be made payable to himself or his Agent, *etc.* *Signed*, Tho. Lloyd. 1 p. *Enclosed*,
 1131. i. Extract of letter from Mr. Thurston to Capt. Cartwright, Secretary to the Comptroller of the Army. April 17, 1705. I have more than once acquainted Capt. Lloyd that I would have noe further to do with the Company at Newfoundland *etc.* 1 p.
 1131. ii. Mr. Thurston to Mr. Lloyd. March 12. I am resolved to have no further to do with that business. The last time I met Capt. Lloyd upon that head, I was used so very coarsly by him, as that I cannot consent to any other meeting *etc.* *Signed*, J. Thurston. *Addressed*. 1 p. [C.O. 194, 22. Nos. 23, 23.i., ii.; and (duplicates) 24, 24.i., ii.]
- May 25. **1132.** J. Vaux to W. Popple. The man sent to spin and roll tobacco in Muscovy was Peter Marshall. *Signed*, John Vaux. *Endorsed*, Reed. Read May 26, 1705. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 1314. No. 60; and 5, 1361. p. 231.]
- May 26. **1133.** Capt. Lloyd to [? John Tucker]. Having yesterday given in a memorial to Mr. Secretary Hedges about Newfoundland and omitted to represent the inconveniencys may attend H.M. service for want of a power to punish deserters and mutineers by

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Court Martial, I humbly desire you'll offer this to his consideration.
Signed, Tho. Lloyd. 1 p. [C.O. 194, 22. No. 25.]

May 26.
 Whitehall.

1134. Council of Trade and Plantations to Mr. Secretary Harley. *Enclose following* [see April 24, and May 10 and 22].

1134. i. Report on manufacture of tobacco in Muscovy. *Propose* that no persons versed in that Mystery and no instrument for the same be allowed to be sent there, such "proceedings being of the most pernicious consequence to the trade of your Majesty's subjects and the welfare of your Plantations"; and that H.M. Envoy assist all H.M. subjects to a free trade in tobacco there. *Set out, Acts of Privy Council*, II, pp. 487-489. [C.O. 5, 1361. pp. 225-230.]

May 26.

1135. Lt.-Governor Johnson to the Council of Trade and Plantations. I thought by this time in obedience to your Lordships' commands to have sent collections of the laws for the four Islands, but it being what has never been practised here before, I with great difficulty got these for the Island[s] of Nevis, the faults I hope your Lordships will excuse, and let me know, that they may be corrected; per next packquett I hope to send the laws of the other three Islands. *Repeats following. Signed*, Jon. Johnson. *Endorsed*, Reed. 6th, Read Aug. 10th, 1705. *Holograph*. 1 p. [C.O. 152, 6. No. 18; and 153, 9. p. 249.]

May 26.
 (Nevis.)

1136. Lt. Gov. Johnson to [? *Sir Charles Hedges*]. Since my last, the packquett whereof one Dudley was Commander, was very unfortunately taken in the sight of these Islands. We have received 100 prisoners from Martinique since my last. The Islands are very healthy. *Signed*, Jon. Johnson. *Endorsed*, R. 6 Aug. 1 p. [C.O. 152, 39. No. 105.]

May 26.
 Nevis.

1137. Lt. Governor Johnson to the Council of Trade and Plantations. The inclosed papers give a true and just acct. of all the Proceedings against Mr. Vanbell in this Island. I am very well informed the Court proceeded with the greatest caution imaginable and heard all that cou'd be offered by Mr. Vanbell's Councill on his behalfe, before they dismiss the libell. I find likewise it has been allwaies practicable for the Generall, or in their absence or death, for the Governors or President and Councill of Nevis to hold Courts of Admiralty in their proper persons, if they think fitt, and then and their preside and determine causes. Mr. Vanbell's Agents did demur to the jurisdiction of the Court because they were parties to the forfeitures, perhaps they will do the same before the Councill, H.M. being likewise a party and entituled to one third of the forfeitures. What sort of practise or combination there might be between the then Governor of St. Christophers and Mr. Vanbell I know not, it is plain the negroes *etc.* were imported directly contrary to the Acts of Parliament resited in the libell, and the Comissioner of H.M. Customes did nothing but what he was obliged to, by virtue

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of his oath; this is plaine fact upon the strictest enquiry; we cannot preserve our Records so authentick as wee would, by reason of the vermine and other casualties, but these are sufficiently attested; the Commissioner Mead is dead, his executors in England, and wholly ignorant of all transactions, and I believe bond delivered up, and the mony apportioned as the law directs. *Signed*, Jon. Johnson. *Endorsed as preceding.*
1 p. *Enclosed*,

1137. i. Minutes of a Court of Admiralty held at Nevis, May 3-25, 1699, relating to the case of Mr. Vanbelle. [*See C.S.P.*, 1699, Nos. 666, 685.i., etc.] Upon the information of Wm. Mead, 50 negroes imported in a foreign vessel were confiscated, the claimers, Capt. Michael Lambert and Capt. Edwd. Perrie, not appearing, in spite of several adjournments, to prove they were legally imported. *Signed*, John Smargin, jr., Dep. Sec. *Endorsed*, Reed. Aug. 6, 1705. 2½ pp.

1137. ii. Copy of Information of Wm. Mead referred to in preceding. *Same endorsement.* 1½ pp. [*C.O.* 152, 6. Nos. 19, 19.i., ii.; and (without enclosures) 153, 9. pp. 250-253.]

May 30. **1138.** Council of Trade and Plantations to Governor Sir B. Whitehall. Granville. *Enclose* new Seal, with warrant. You are to cause the former seal to be brok before you in Council and transmitted to this Board etc. [*C.O.* 29, 9. p. 303.]

May 30. **1139.** Council of Trade and Plantations to Lt. Governor Whitehall. Bennett. *Enclose* new Seal etc. *as preceding.* [*C.O.* 38, 6. pp. 125, 126.]

May 30. **1140.** W. Popple, jr., to Mr. Burchett. The Council of Trade Whitehall. and Plantations desire that the enclosed Commission for trying pirates in Newfoundland may be sent to the Commodore of the Convoy, with directions to leave it with the Commanding Officer of the garrison at his departure, which is again to be put into the hands of the next Commodore the succeeding year etc. [*C.O.* 195, 3. p. 443.]

May 31. **1141.** Governor Parke to the Council of Trade and Plantations. I think it my duty to lay before your Lordships the state of the Leeward Islands in respect to the troops that are now on those Islands. There is at present but one Regiment, which is commanded by Col. Whetham, who with his Lieut. Col. are now, and have been some time in England, soliciting the return of the Regiment. According to the muster taken Feb. 24, there were then no more than 287 private men, the Major and six Capts., besides Lts. and Ensignes. *Urges* that speedy care be taken that one compleat Regiment be there at least, and that Col. Whetham's be either recruited or relieved; or otherwise the Islands to be on the same foot as during the last warr, that is, to have 5 Companys of 100 in each, to be commanded by a

1705.

Col., 4 Cpts. and 10 Lts., which will save to the Queen half the expence and be more agreeable to the Planters, by easing them of the burthen of quartering of so many Officers. I am of opinion that the 287 men are at this time not more than 200, and if the Queen shall think fitt to releive Col. Whetham's Regiment, I am informed the private men (the major part of them at least) would be willing to remaine there; so that if the Officers are sent for, the Regiment will be still preserved and the Queen save 2,000*l.* at least by the transport of 200 men theither and back; and one of those seasoned men is better there than two that shall be sent, so that the releiving Col. Whetham's Regiment should be by sending the Officers of another Regiment with a sufficient number of men to make up those there a compleat Regiment. Or if it shall be thought more advisable to have 500 men in 5 Companies, and that no troops can be spared till after the expedition be over, if H.M. grant an order, one man of war with one transport ship may be sent from the Grand Fleet with a detachment from those troops of 300 men, with 4 Cpts. and 10 Lieuts. And if your Lordships thinks it proper I will take some opportunity of going to the Grand Fleet with the order, and that way transport myself, which will be an other expence saved to the Queen. Since I waited on your Lordships, I was with Admirall Churchill to desire a ship, I was answer'd, no ship cou'd as yett be spared. As to my own part, I have been ready ever since I had an order for a Commission, and Mr. Secretary Hedges tells me my Instructions will be signed next Councill. I have now nothing to do but to wait your Lordships' commands, and an opportunity of transporting myself to my Government; I desire your Lordships will lay this whole matter before the Queen in Councill, that something may be done therein. *Signed*, Daniell Parke. *Endorsed*, Recd. Read June 5, 1705. 3 pp. [*C.O.* 152, 6. No. 14; and 153, 9. pp. 235-238.]

June 1. **1142.** Capt. Lloyd to Mr. Secretary Hedges. I have this morning sent my Memorial relateing to Newfoundland to my Lord High Treasurer, and hope your Honour will please to put his Lordship in mind of it; Admirall Churchill having told me yesterday that the convoy would saile in a very few dayes, which will put things in a great deal of confusion, if your Honour thinks it not fitt to order there may be a little more time to provide. *Signed*, Tho. Lloyd. *Endorsed*, R. June 1, 1705. *Addressed*. 1 p. [*C.O.* 194, 22. No. 26.]

June 1. **1143.** Mr. Thurston to Mr. Popple. *Desires* that the Admiralty be moved for orders to the Commander of the Convoy to receive the money due to the Company at Newfoundland. *Signed*, J. Thurston. *Endorsed*, Recd. Read June 1, 1705. *Addressed*. 1 p. [*C.O.* 194, 3. No. 56; and 195, 3. p. 444.]

June 1. **1144.** W. Popple, jr., to Mr. Burchett. *Desires* him to move Whitehall. H.R.H. Council *as in preceding*. [*C.O.* 195, 3. p. 445.]

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June 2.

1145. Mr. Mein to W. Popple. I fully purpose to return to Barbados as soon as possible. I have stayed here, with H.M. permission, having had a suit in Chancery for nine months past, and still undetermined etc. *Signed*, Pat. Mein. *Endorsed*, Recd. Read June 5, 1705. *Addressed*. 1 p. [C.O. 28, 7. No. 155; and 29, 9. pp. 304, 305.]

June 4.
Admiralty
Office.

1146. Mr. Burchett to Mr. Popple. The money for Newfoundland is ordered to be carried by Capt. Peter Chamberlain of the *Lichfield's Prize*, as desired June 1st. *Signed*, J. Burchett. *Endorsed*, Recd. Read June 5, 1705. $\frac{3}{4}$ p. [C.O. 194, 3. No. 57; and 195, 3. p. 446.]

June 4.
Whitehall.

1147. Mr. Secretary Hedges to the Council of Trade and Plantations. Your letter of May 16 having been layd before the Queen, H.M. cannot think it proper for her service that the Commodore of the Convoy should have any command or power over the land officers and forces there; but, however, would have him be impowered, with the assistance of the C-in-C. of the Forts and soldiers, to inspect the stores, ammunition and provisions in it, and the condition of it, that an account may be given thereof at his return, to which purpose the Lord High Admirall is to give an Instruction to the Commodore, and H.M. would have you prepare an Instruction for the C-in-C. of the Fort and forces there to permitt the Commodore to make such inspection. *Signed*, C. Hedges. *Endorsed*, Recd. Read June 8, 1705. $1\frac{1}{2}$ pp. [C.O. 194, 3. No. 58; and 195, 3. pp. 447, 448.]

June 4.

1148. Mr. Clifford to Mr. Popple. *Prays* for copies of Mr. Shepheard's report [No. 1111] and of representation thereon. And pray let me know whether H.M. hath sent back those papers to the Council of Trade for a further consideration, as I have been informed H.M. hath done last Council night. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read June 5, 1705. *Holograph*. 1 p. [C.O. 388, 75. No. 127; and 389, 36. pp. 297, 298.]

June 5.
Whitehall.

1149. W. Popple, jr., to Mr. Clifford. The Council of Trade and Plantations acquaint you that they do not usually give copies of their Representations, and never before they have been read to H.M., that Representation has not yet been read in Council. If you will send anybody to the Office, they may copy Mr. Shepheard's report, for we have at present no hands to spare. [C.O. 389, 36. pp. 298, 299.]

June 5.
Whitehall.

1150. W. Popple to Mr. Attorney General. *Enquires* whether Mr. Knight is a fit person for the post (*see* No. 1151 *below*). [C.O. 5, 1120. p. 295.]

[June 5.]

1151. J. Knight to the Council of Trade and Plantations. Formerly High Sheriff of New York, Secretary, and Clerk of the Council (1686), he has since practised at the Bar here. *Prays* to succeed Mr. Broughton, *decd.*, as Attorney General of

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New York. *Endorsed*, Recd. Read June 5, 1705. 1 p. [*C.O.* 5, 1048. No. 115; and 5, 1120. pp. 293-295.]

June 5. **1152.** W. Popple, jr., to the Lord Bishop of London. The
Whitehall. Council of Trade and Plantations will enter upon the consideration of Governor Nicholson's letters on Friday. [*C.O.* 5, 1361. pp. 353, 354.]

[June 5.] **1153.** Mr. Feild and Mr. Wyeth to the Council of Trade and Plantations. *Reply to* Sir H. Ashhurst, May 4. He does not deny that Quakers were also intended to be suppressed by the Act complained of. It is of no great moment to our Friends that the Agent here looks on this Law as obsolete, while they feel its force there. We do not want instances of late inhuman prosecutions, wch. we should rather forbear to relate if the disallowance of this law may be obtained without ym. If the Agent please, he may find yt. among the reasons for peopling yt. Colony it was not ye least yt. they might there enjoy peaceably ye liberty of their consciences *etc.* His other suggestion is groundless. The meer motive of our proceeding herein is not ye ruin of ye Government, but for our Friends' security there, and at their instance only, *etc.* *Pray* the Board to represent that this Law is now in force and is contrary to the Laws of this Kingdom, and that H.M. will disallow it and recommend to yt. Colony a Tolleration at least equal to wt. ye Queen hath been graciously pleased to maintain here. *Signed*, John Feild, Jos. Wyeth. *Endorsed*, Recd. Read June 5, 1705. 2 $\frac{3}{4}$ pp. [*C.O.* 5, 1263. No. 18.]

June 5. **1154.** W. Popple to Sir H. Ashhurst. *Encloses copy of pre-*
Whitehall. *ceding for reply.* [*C.O.* 5, 1291. p. 147.]

June 5. **1155.** E. Jones to the Council of Trade and Plantations.
Bermuda. I well hoped those gentlemen who before my suspension were my professed enemies, would upon my unexpected return have lain aside their malicious contrivances, and upon sight of H.M. Order in Council have readily submitted to a reconciliation and complied with H.M. royal commands. But neither can my patent or the said Order tho' urged with all the intreaties and assurances imaginable prevail with them to do me common justice, such is their stupid ignorance and ill nature. My Lords, it has bin the constant custome and practice here from the first settling these Islands hitherto for the Secretary to act by himself or deputy as Clarke in Council, Clarke in Chancery, Clarke of Assize and in all or most of the clarkships of these Islands, all their proceedings being lodged and united to the Secretary's office, and the Secretary being compell'd by the oath which is administered to him to keep the records thereof, the Clarke of the Assizes takes the same oath and is oblig'd thereby to keep his own records; it is therefore an infallible conclusion that those two oaths cannot be comply'd with by any other person than the Secretary, who both as Secretary and Clark of Assize

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is obliged to keep all the Proceedings. But instead of suffering me to act in any of these stations they continually spurn at the powers and privileges granted by H.M., and endeavour to reduce the Secretary's office to so mean a scantling that in a little time, as they themselves have openly declared, it shall not be worth 5*l.* per annum. Yesterday the Judges pretended to hold a Generall Assizes, I attended them to the Court House, where I humbly offered to officiate as Clark either by myself or deputy, and carried with me my Patent, the Queen's Order in Councill, and my reasons why I claimed that office, and quoted or pleaded their own Act of Assembly, the oaths administered to the Secretary and the Clark of the Assizes, but the Judges would not suffer me to read the said Patent or Order, or any other thing whatsoever, or to accept of either me or my deputy to officiate, altho' Mr. Charles Minors, who last managed the same office, utterly refus'd it in open Court concluding it to be my undoubted right. I urged (for a continued time) my readiness to serve H.M. and them in that post, but instead of permitting me so to do, they made choice of a poor despicable schoolmaster, who cannot draw any manner of proceedings, but what must be dictated to him verbatim. I offer'd to read their Commission and at their request I fetch'd the book out of the Secretary's office wherein the same was recorded. But the Judges would not suffer me to read it, alledging they themselves had power to make whom they thought fitt Clarke of the Assizes, and demanded the Records of their Commission from me, which I utterly refused to surrender, telling them I was sworn to keep them as Secretary.

After a tedious debate of the matter, they said that they knew not whether I or my deputy were either of us qualified or fitt to be entrusted with the records, for I might for ought they knew cut their Commissions out of the Records, so little veneration they have for persons commission'd by H.M., and persisting in their obstinacy they at last drew up their own opinions that I would not suffer them to sit, to the delay of justice, and therefore they adjourned the Court to the first Monday in October next. Thus my Lords you may plainly perceive the whole drift and design of the Governour, and those gentlemen who were the causes of my suspension, is still to continue their inbred malice against me by all the intrigues imaginable which they resolve, if not timely curb'd by a more strict censure from H.M., shall never end but in my ruine. Neither have I any hopes of redress, unless your Lordships will vouchsafe to obtain a Commission from her most sacred Majesty directed to four or more gentlemen, the one half to be nominated by H.E. the Governor, and the other half by me and other gentlemen that be under severe circumstances by their arbitrary dealings and injustice, not a man being suffer'd to swear or to appear in their or my behalf, but draw up what accusations they please without the liberty of answering them, which gentlemen with my self may have power to inspect into the Proceedings had against Gilbert Nelson, Esq., Dr. Starr, myself and severall others, and to examine witnesses and to report the whole circumstance to your Lordships *etc.*

1705.

Signed, Ed. Jones. *Endorsed*, Recd. Dec. 31, 1705, Read March 4, 1705-6. $1\frac{1}{2}$ pp. [*C.O.* 37, 7. No. 20; and 38, 6. pp. 155-158.]

[June 5.] **1156.** Mr. Penn's Draught of Surrender of his Government of Pennsylvania to the Queen. *Endorsed*, Recd. Read June 5, 1705. 3 pp. [*C.O.* 5, 1263. No. 19.]

June 6. **1157.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* Governor Parke's Memorial (May 31), to be laid before H.M. During the last warr there were 500 men in 5 companies in the Leeward Islands, which cannot be safe with a less number during this time of warr. [*C.O.* 153, 9. p. 239.]

June 6. **1158.** Mr. Penn to the Council of Trade and Plantations.
[6 $\frac{3}{4}$ (Jun.) Honble. Frds. I returne yr. remarks wth. my answer, as my
1705.] Counsel has drawn it, and pray yr. consideration of it. I am your respectfll. friend, Wm. Penn. *Endorsed*, Recd. Read June 7, 1705. *Holograph*. $\frac{3}{4}$ p. *Enclosed*,

1158. i. Mr. Penn's observations upon the objections made by the Lords Commissioners of Trade and Plantations to ye Charter humbly desired by him. [See May 23, 1705.] $3\frac{1}{2}$ pp. [*C.O.* 5, 1263. Nos. 20, 20.i.; and 5, 1291. pp. 148-152.]

[June 7.] **1159.** Agents of Barbados to the Council of Trade and Plantations. Upon the answer of the Council and Assembly to the petition of the absenting Assemblymen, we observe that it appears the Assembly had made an estimate of money that the Governor had laid out for spy-boats, flags of truce, and necessary charges of a house till one was provided for him, before they voted the 600*l.* for his re-imbursements. We also observe, that, until he was restrained by H.M. Order, he had just pretences by his patent to all the profits and perquisites that former Governors enjoyed, and that other Governors have been repaid the money they disbursed for the service of the country and the charges they were at till houses were provided for them, and had presents of wine made them att the country's expense, and that H.M. Order did not come to Sir Bevill's knowledge till after those expenses were contracted, which they therefore thought just to allow. Your Lordships will find from this answer that the Petitioners have misinformed you in asserting that the Assembly made alterations in their Minutes concerning the 600*l.*, the Speaker having made that matter very clear by his deposition. As to the affidavits of Capt. St. Loe and Mr. Ball, we hope you will suspend judgment till the Governor and Secretary have time to answer. We have received a letter from Capt. Windsor, H.M.S. *Milford*, who was present when Capt. St. Loe acquainted the Governor that he had prest one Lee, and is ready to testify upon oath that the Governor then made answer, he had received no complaint about it, but if any came, he should be obliged to take notice of it.

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As to the Four Suspended Councillors, your Lordships will find that the rest of the Council and Assembly did believe upon good grounds that they encouraged and countenanced faction in the Assembly. *Signed*, J. Stanley, Wm. Bridges, Mel. Holder, Wm. Cleland. *Endorsed*, Reed. Read June 7, 1705. 2½ pp. *Enclosed*,

1159. i. Capt. Windsor to Capt. Barnard Granville. *Quotes* Governor Sir B. Granville's reply about Lee in *preceding*. *Signed*, E. Windsor. June 2. The Pool in Long Reach. *Endorsed*, Communicated to the Board by Sir John Stanley. Reed. Read June 7, 1705. *Copy*. 1 p. [C.O. 28, 7. Nos. 156, 157; and (without enclosure), 29, 9. pp. 306-309.]

June 7. **1160.** W. Popple, jr., to Wm. Heysham and John Bernard. Whitehall. *Encloses* copy of *above* Memorial. You may see the papers therein referred to and have copies, etc. [C.O. 29, 9. p. 310.]

June 7. **1161.** Commandant Beeckman to the [? *Dutch West India* Fort Company]. *Signed*, Samuel Beeckman. *Dutch*. 3½ pp. [C.O. Kijkoveral. 116, 20. No. 2.]

June 7. **1162.** Same to Same. *Signed*, Samuel Beeckman. *Endorsed*, Read Sept. 17 (n.s.), 1705. *Dutch*. 16 pp. *Enclosed*, Kijkoveral.

1162. i. Petition for goods required for the Colony of Essequibo. *Signed*, Samuel Beeckman. June 15, 1705. *Dutch*. 9 pp.
 1162. ii. Muster-roll of the free inhabitants of the Colony of Essequibo, etc. *Dutch*. 4 pp.
 1162. iii. Inventory of the Company's property. Feb. 1 (n.s.), 1705. *Signed*, Samuel Beeckman, Jan Van Dyck. *Dutch*. 31 pp.
 1162. iv.-xiii. Invoices, bills of lading, lists of requirements, clearings, etc. *Dutch*. 15 pp. [C.O. 116, 20. Nos. 3, 3.i.-xiii.]

June 7. **1163.** Mr. Thurston to John Tucker. I pray leave to remind you of moving Mr. Secretary [? Hedges] for some directions for paying me the Newfoundland money, notwithstanding the stop put to it by Capt. Lloyd. I also pray an order to the Board of Ordnance for bedding for the company (*enumerated*). *Signed*, J. Thurston. *Endorsed* (? by Sir C. Hedges), Mr. St. to settle ye matter between Lloyd and Thompson. 1 p. [C.O. 194, 22. No. 27.]

June 8. **1164.** Mr. Thurston to Mr. Popple. *Encloses* following to be laid before the Council of Trade and Plantations. *Signed*, J. Thurston. *Endorsed*, Reed. Read June 14, 1705. 1 p. *Enclosed*,

1164. i. Money wanting for subsistence and cloathing of the Company at Newfoundland, 1705. 1,011l. 12s. 6d. New bedding and a chest of medicines. Cloathing,

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129l. 16s. 10d. 2 pp. [C.O. 194, 3. Nos. 59, 59.i., ii.; and 195, 3. pp. 456-458.]

June 8.
Whitehall.

1165. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose draught of Instruction for Capt. Lloyd as ordered June 4.* We take notice that no mention is made in your letter of the Musters to be taken by the Commadore, which was always done, the advantage in case of false musters if any, accruing to the Captain. And whereas at the return of the last Fleet from Newfoundland, we received divers complaints of wrongs and hardships alledged to be done to the Fishery by the Captain of the said Fort the last year, and do judge the same to be most properly examinable by the succeeding Commadore, as has been usual in such cases, we humbly submit whether the same and such complaints as may be made for the future, shall not likewise be enquired into by the Commadore under whose superior care the protection of the Fishery is left by Act of Parliament. 2 pp. *Annexed,*

1165. i. Instruction to Capt. Lloyd as ordered June 4. [C.O. 195, 3. pp. 448-451; and 194, 22. Nos. 28, 28.i.]

June 9.
Whitehall.

1166. Mr. Secretary Hedges to the Council of Trade and Plantations. *Returns* the above Instruction to Capt. Lloyd for the insertion of a clause for mustering the soldiers *as proposed*. The Commadore is to have an Instruction to receive and examine into any complaints of wrongs and hardships that may be done to the Fishery, or to the prejudice of it. *Signed, C. Hedges. Endorsed, Recd.* Read June 12, 1705. 1 p. [C.O. 194, 3. No. 60; and 195, 3. pp. 451, 452.]

June 10.
Barbados.

1167. Governor Sir B. Granville to the Council of Trade and Plantations. I send this by the *Warwick* which sailes this day with her convoy's for England, being in all one and thirty sail, and with it a duplicate of the Laws and Minutes, as also Col. Lilly the Engineer's report (*following*). The Country have passed an Act to raise as much as I believe will finish what is intended at Needham's, and that work is already began, but they inclined to wait H.M. pleasure about the $4\frac{1}{2}$ p.c., which they would have apply'd to those uses, before they raise more money for the rest of the fortifications. *Signed, Bevill Granville. Endorsed, Recd.* 18th, Read Aug. 30th, 1705. *Holograph.* $1\frac{1}{2}$ pp. *Enclosed,*

1167. i. Report upon the fortifications of Barbados. Presented to Governor Sir B. Granville by Lt. Col. Christian Lilly, H.M. 3rd Ingenier of England, 1705. The windward parts are naturally fortified by rocks and shoals. The leeward part is altogether in a very weak and almost defenceless condition, which weakness does chiefly proceed from ye many landing places and ye want of people for to defend them, the ill-contrivance of all ye fortifications, the decay of some and ye want of new modelling of all ye rest, the ill disposition of great part of ye Artillery, and ye decay of ye carriages, the ill

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regulation and ye want of gunners and matrosses, the want of security for ye munition, and ye horrible disorder of chief magazin of powder, and lastly ye ill regulation and want of sufficient guards and garrisons in proper places. In short, the western part of the Island is allmost everywhere open for an enemy to land, and there is no such thing in the whole country as deserves the name of a Fort, nor anything capable of hindring a vigorous ennemy's taking possession of it, unless it be thought that 4 or 5,000 of ye militia without experience may in open field bee likely to beat 8 or 10,000 of regular and well-disciplined troops, which such ennemys as the French now are may easily enough bring, and for ought anybody here knows it may bee to-morrow morning. *Discountenances* the proposal, of which many are fond, to build a citadel of refuge somewhere towards the middle of the country, and recommends the fortification of the sea-coast, especially some advantageous situations at or near ye cheif landing-places, to be garrisoned by H.M. forces with properly regulated artillery. Meantime it is most proper to begin with the amendment of the fortifications at Needham's Point. *Details.* 4 $\frac{3}{4}$ closely written pp.

1167. ii. Plan of Needham's Fort as proposed by Lt. Col. Lilly above.

1167. iii. Plan of Needham's Fort, 1705. [*C.O.* 28, 9. *Nos.* 4, 4.i.-iii.; and (*without enclosures*), 29, 9. pp. 366, 367.]

June 11. **1168.** Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of March 6. As to the list of the ships, Mr. Jenkins, from whose office they are to come, has promised to send me it to enclose in this packet, which I now send. The Minutes of the Assembly that are wanting are not in my power to procure, till the sitting of the next Assembly. What your Lordships mention in relation to the artificers, I have given an account of them to the Board of Ordnance, by this packett, they being of no manner of service here, nor have for these severall months past. I have received H.M. Order, March 24, 1704, for incorporating of the private soldiers of Col. Livesay's Regiment into mine, to compleat each Company 70 private men, and for the return of the remainder of Col. Livesay's Regiment to England, all which shall to the utmost of my power duly [*be*] comply'd withall. Our Fleet, consisting of 12 merchant ships, arrived here May 17, under the convoy of Reer Admirall Whetstone, with six men-of-war. They took in their passage a brigantine and sloop. H.M. ships continue healthy. They sailed the 6th inst. to cruise on the coast of Carthagene and Porto Bell for a month or five weeks. Our homeward bound fleet will sail by the latter end of July, under the convoy of 4 men-of-war. Capt. Nathanael Boys, H.M.S. *Deal Castle*, has been accused and taken up for sodomy committed upon 2 boys of his own ship. The Admiral designed to try him, as soon as he came from this cruize, but he

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made his escape out of prison 8 or 9 days before the Admiral sailed ; all care imaginable has been taken to apprehend him, but I can hear nothing of him, which makes me believe he is got off to the enemy. I having received an account by a spy, whom I employed to know what the French were doing at Petty Guavas, and other neighbouring French Colonies, who returned March 25 last, that there was a French sloop preparing with a Flagg of truce under pretence for exchange of prisoners, with a letter from the Governor of Petty Guavas directed to me, and that the gentleman who was to come in the sloop was Lient. Governor of that place, a very cunning intriguing Blade, by name de Choupe Salampar, I thereupon immediately ordered two men-of-warr, that were then in the harbour (the other two being upon a cruize round the Island) to get ready to sail with all expedition, one of them to cruize 3 or 4 leagues to windward of the Island, in search of such Flagg of Truce, and if he met with her, to take care to bring her in, not admitting anybody to go on board of her, nor to suffer her to come within the harbour, but to keep her without the Keys at anchor by him ; the other man-of-war I ordered to lye at anchor without the Keys, lest the man-of-war that went to meet with the Flagg of Truce should miss of her, giving him the same orders not to suffer her to pass the Keys, *etc.* On March 30 at night she past the man-of-war that lay to windward, and by morning was within a league of the other man-of-war, that lay at the Keys, who upon sight of her, fired a gun, and brought her to, and caused her to cast anchor close by him. I ordered the Captain of Port Royal Fort to go on board her, and know her business here. The Commander's answer was that he had brought 35 prisoners to exchange for French, most of which were men taken at the Bay of Andoras with turtlers, and others belonging to the Windward Islands.

Refers to Minutes of Council enclosed. I replied that I could not receive the French Governor's letter, nor keep any correspondence with him, since the Queen of Great Brittain, my mistriss, and the French King were at war—that I could exchange no French prisoners without positive orders from H.M. or the Lord High Admiral of England, and that I would lay the just reasons before H.M. how great a disadvantage it would be to her service to have the French prisoners exchanged in these parts, and that if he or his sloop's Company wanted any refreshment that this Island afforded, I would give orders he should be furnished with the same. According to my demands in the Minutes of the Councill, I had the 35 prisoners delivered to me in lieu of those sent to France, and the Lieut. Governor's word of honour to have satisfaction made for the sloop ; after which I ordered a man-of-war to convoy him to the coast of St. Domingo, and had nothing further to do with him, which, as I am informed, has been very much to the dissatisfaction of the French, that they could not have an opportunity of settling a correspondence with Jamaica as formerly.—What I mentioned, Feb. 27, of severall French to the number of 70 or 80, who were desirous to come under our protection ; before I could send a sloop there, the French

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and Spaniards had fallen upon them, and obliged them to surrender at their mercy.—The Act for *Quartering the soldiers* expiring August 1st, I have been obliged to call an Assembly, which is to meet July 10. I must own I am very apprehensive of their stubborn, cross tempers, but I shall use all my endeavours to make them sensible of our gracious Queen's care for them, as well as the vast expence she is at to preserve their lives and fortunes. Our late Chief Justice, Col. Beckford, having desired leave to lay down thro' the infirmity of his age and for other reasons, which are not proper here to insert, I have granted his request and have appointed Lieut. Coll. John Walters in his place, who has been Assistant Judge upon the Bench these 5 years past, and I hope will prove a very even tempered man, and that justice and equity will take place. We have here a report by a Master of a vessel, who has made his escape from Martinico, that the French expect forces from Old France, with a Fleet of men-of-war, to come and attack Jamaica ; for my own particular, I take it to be nothing but a French Gasconade, to keep the Spaniards in hopes, but if it should happen otherwise I hope we shall shew ourselves faithfull servants to our gracious Queen, and like true English men, not be daunted at their numbers. I have seen a letter of credit from the Lord High Treasurer, directed to me, for the supplying Rear-Admirall Whetstone with 2,000*l.*, which as soon as he has occasion shall be duly comply'd withall, *etc.* Signed, Tho. Handasyd. *P.S.* Proposes Col. Edmund Edlyne for the Council in place of Col. Ayscough decd. *Endorsed*, Recd. 6th, Read Aug. 10th, 1705. [*C.O.* 137, 7. No. 7; and 138, 11. pp. 400–407.]

June 11. **1169.** Governor Handasyd to Sir Charles Hedges. *Acknowledges* letter of March 29 and H.M. Proclamation in the *Gazette*. As to Major Lovell, he is not in my Regiment, neither will my Major change with him, so that, unless he quits his Military post, he cannot stay here, which he is not inclined to do. *Repeats part of preceding.* Signed, Tho. Handasyd. *Endorsed*, R. Sept. 1st. 4 pp. [*C.O.* 137, 45. Nos. 65; and (*duplicate*), 65.i.]

June 12. **1170.** W. Popple, jr., to Wm. Heysham and Mr. Bernard. *Encloses* extract of Journal of Council of Trade and Plantations and copies of papers desired. (*Cf.* June 7.) [*C.O.* 29, 9. p. 311.]

June 13. **1171.** J. Barnard to the Council of Trade and Plantations. In reply to [June 7], there is no proper ground there given for any such inference concerning the Four suspended Councillors of Barbados ; neither is a bare surmise or suggestion of such belief to be admitted as any evidence or proof in the cause before your Lordships, *etc.* *Prays* for a speedy determination. Signed, Jno. Barnard. *Endorsed*, Recd. Read June 13, 1705. $\frac{3}{4}$ p. [*C.O.* 28, 7. No. 158; and 29, 9. pp. 312–315.]

June 13. **1172.** Governor Lord Cornbury to the Council of Trade and New York. Plantations. After having had severall accounts of Mr. Byerley's

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ill usage of several persons in the execution of his office of Collector and Receiver Generall of this Province, besides his ill behaviour to me, not to give it a worse term, which was his dayley practice, and his constant disobedience to Orders made by me in Councill, I was att last informed that Mr. Byerley countenanced illegall trade. I told the person that informed me that that was a very generall charge, and that unless he would come to a more particular one, I should take noe notice of itt; upon which he told me that Mr. Byerley gave Bills of Store for enumerated commodities to be carried to foreigne plantations, for instance, one to Capt. Cholwell (who is a mercht. of this city) for 200 *cwt.* of cocoa to be putt on board ye sloop of one Claas Evertsen, one Egbertsen Commander, wch. was bound to Surinam, and he told me that the Bill of store was in the hand of the Register of ye Court of Vice-Admiralty; I sent for ye Register, who did bring me the bill of store under Mr. Byerley's hand; I have it now in my custody. Upon this I enquired what the usage had been here in the time of other Collectors. I find yt. most of the former Collectors have been very sparing in that matter, and yt. when they have granted bills of store, it has been for some small quantity of tobacco or sugar to a Master, or some passenger for their use in ye voyage, and even of these I have not seen any but to vessells bound to some English Plantation, but not to any foreign Colloney. I advised likewise with some of the Lawyers here, who were of opinion yt. it was a manifest breach of the Laws of Trade, and having consulted H.M. Instructions to me, I find that in the last clause H.M. is pleased to express her self in these terms (We take the good of our Plantations and the improvement of the trade thereof by a strick and punctual observance of the several laws in force concerning the same to be of so great importance to this our Kingdom, and to the advancing the dutys of our Customes here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws within the aforesaid Province, by any wilfull fault or neglect on your part, we shall look upon it as a breach of the trust reposed in you by us, which we shall punish with the loss of your place in that Government, and such further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us in a matter of this consequence that wee now so particularly charge you with), so that this matter of fact being so fully proved, I thought it my duty to suspend Mr. Byerley, till I could receive H.M. commands thereupon, and in the meane time I have appointed Mr. Peter Fauconnier to execute this office. *Recommends him for the appointment.* He has given security to the value of 8,000*l.* and has been Navall Officer ever since I came into this Province, which he has executed with utmost dilligence, and has taken pains to acquaint himself very well with the Laws of Trade. He will give any security the Lord High Treasurer shall require. This matter had not come to light, had not the sloop been seized for illegal trade by the Navall Officer, for carrying enumerated commodities to Surinam, haveing taken the same on board privately, after she had clear'd

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at the Custom House here, ye sloop being seized, ye Navall Officer libelled agst. her in ye Court of Vice-Admiralty, where the Master Ebertsen appeared to defend her, she was accused of having taken on board at a place called ye Watering-place, 9 miles below this City, some hogsheds of tobacco and of cocoa; the Master, to alleviate his crime as much as he could, produced the bill of store for the cocoa in Court. This sloop had been seized by Mr. Fauconnier, ye Navall Officer, before, on suspicion of illegal trade, and as belonging to an alien, but the proofs not being so full as they ought to be, and ye sloop being laden ready to saile for Surinam, and the Master pressing for leave to proceed on his voyage, he had leave, haveing first given security to ye value of the sloop and cargoe, if in case she should be condemned; at the return of the sloop, ye information was given against her and she was condemned. This is not the first thing of this nature yt. this Gentleman has done, but he had so possessed ye people here wth. notions of ye great interest he has in England, yt. they durst not say anything against him, but now things begin to come to light. In Sept., 1704, one Hugh Coward, Master of the sloop *Mary*, came from Rhode Island to this Port, and applied himself to ye Navall Officer for leave to unload his goods (weh. were bound for London) here, pretending his sloop was so leaky yt. she could not performe her voyage till she was repaired; ye Navall Officer, upon his makeing oath before the Mayor of this City, yt. his sloop was leaky, gave him a certificate (*copy enclosed*) to ye Collector. Mr. Byerley did give leave yt. ye goods should be landed, but instead of taking care yt. ye cocoa, of weh. ye cargoe consisted, should be put into the warehouses belonging to ye Custome House, by weh. means he might have been certain yt. ye same should have been shipped again, he lett the mercht. (one Joseph Bueno, a Jew, a particular freind of his) carry the cocoa to his owne warehouse, and has taken noe care to see yt. ye same goods should be shipped again, and ye Mercht. finding yt. cocoa bore but a low price in England, would never have troubled himself to ship itt off, had not Mr. Fauconnier enquired into that matter and obliged the Jew to ship itt off, weh. is done, and ye sloop is sail'd for Virginia, in hopes to gett a convoy, but ye intention of ye Jew appears pretty plain, by his offering Mr. Fauconnier 50*l.* to pass itt by, but he rejected itt wth. contempt. Mr. Byerley ordered the Ketch *Mary* to be seized, upon suspicion of illegal trade, he libell'd her, and upon the tryall the ketch was discharged, but the goods were condemn'd. Mr. Byerley took ye goods into his own custody and sold them for his owne use, for he has not given the Queen credit in his accots. for her Third, he has not payd me my third, nor he has not so much as payd the fees of the Court. I could acquaint your Lordships with severall other things concerning Mr. Byerley's behaviour here, weh. I suppose would not be approved of, but I am unwilling to be tedious. *Signed, Cornbury. Endorsed, Reed.* Feb. 1, 170⁵₃, Read April 3, 1706. 3½ pp. *Enclosed.*

1172. i. Certificate granting store for 1 cask of cacao in the sloop *Catherine*, Dirick Egbertsen, Master, for Surinam,

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at the request of Capt. John Cholwell. July, 1704.
Signed, Thomas Byerley, Collr. *Endorsed*, Recd. Feb. 1,
 1705. *Copy.* $\frac{3}{4}$ p.

1172. ii. Certificate of Naval Officer granting leave to the *Mary* sloop of New York to unlade and refit, she proving very leaky, provided the Collector's officers take an account of the cacao laden, soe that we may be sure he'll take the same on board again. New York, Sept. 14, 1704. *Signed*, P. Fauconnier. To Thomas Byerley, Collr. *etc.* *Same endorsement.* 1 p. [*C.O.* 5, 1049. *Nos.* 8, 8.i., ii.; and (*without enclosures*), 5, 1120. *pp.* 418-426.]

June 13.
 Whitehall.

1173. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following* :—

1173. i. Instructions to Capt. Lloyd, *as June 8, with* additional clause empowering the Commodore to muster the Company there. "You are likewise to take care that no person is to be listed into our pay by you in Newfoundland, but you are to expect the necessary recruits from hence. . . . And you are to take care that the soldiers constantly attend their duty and be in a readiness as our service shall require." [*C.O.* 195, 3. *pp.* 453-456; and (*covering letter with autographs*), 194, 22. *No.* 31.]

June 13.

1174. Attorney General to the Council of Trade and Plantations. In obedience to your Lordships' commands, I have considered the Act of Antigua [*see April 17*], *for holding a Court of Chancery*, etc. I am humbly of opinion that Act is not fitt to be approved by H.M. (1) For that by the Act as penned it must be taken that the Governor in Cheif of that Island is absolute Chancellour there, and the Court of Chancery to be holden before himself alone, and this may give him another authority than he hath, for that (as I take it) the Courts of Chancery in the Plantations are to be holden before the Governor and Councill. (2) For that the powers given by this Act to the Lieut. Governour or President of the Councill and three of the Councill in the absence of the Governor, to hold the Court of Chancery, will be properly done by H.M. Instructions to the Governor, which will be in H.M. power to alter, if any inconvenience appears, but will not be if this Act be approved. (3) For that this excludes all appeals to H.M. from the decrees of the Lieut. or President and Councill, how unjust soever, if the value of the matter decreed does not exceed 500*l.* currant money of that Island, which ought not to be, but be left to H.M. royall breast, to receive all appeals of her subjects if she shall see cause so to do. (4) For that it settles rules for proceedings in the Court of Chancery, which will be more properly settled by orders in that Court, to be made by the Judges of the Chancery; for that if these rules be established by an Act, it will not be in the power of the Court of Chancery to allow any longer time than is allowed by the Act, though Justice on ye circumstances of particular cases should so require.

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(5) For that by this Act another Court of Chancery is to be erected, in the Court of Exchequer there, and a Chancellor of the Exchequer, with power to proceed in all Causes arising in that Island, as the Court of Exchequer in England may proceed, which relating only to H.M. rights and revenues, may be prejudiciall to H.M. interest, besides that no appeal is reserved to H.M. from the decrees to be made by the Court of Exchequer, and to me it seems one Court of Equity is sufficient for the Island. (6) It is provided that no Administrations shall be granted but in open Court, and on hearing the partys opposing the same, which seems to imply that every Administration to a person dying intestate in that Island is to be granted there, which is not necessary, for that an Administration granted to such intestate in the Prerogative Court of Canterbury is a valid Administration, and being produced in the Plantations must be allowed there. *Signed*, Edw. Northey. *Endorsed*, Recd. July 6, Read Oct. 30, 1705. 2 pp. *Enclosed*,

1174. i. Copy of Mr. Popple's letter, April 17. 1 p. [C.O. 152, 6. Nos. 26, 26.i.; and 153, 9. pp. 265-268.]

June 13. **1175.** Colin Campbell to [? *Mr. Secretary Hedges*]. *Duplicate of June 15.* 3 large pp. [C.O. 194, 22. No. 29.]

[June 14.] **1176.** T. Kirton to the Council of Trade and Plantations. The answer of John Leslye and others, the petitioners against Governor Sir B. Granville to part of the Memorial of the Agent of Barbados [June 7]. The sums of 600*l.* and 500*l.* was given him as a mere present after H.M. letter was signified to him, and by the Governor's directions the Minutes were made for defraying his charges for spy-boats *etc.*, to conceal the same from H.M., and not intended to reimburse him any such charge, there being no such estimate or charge contracted for, his cellars (besides the two aforesaid summes) being supplied with liquors, his house-rent paid for, and a small vessel as a spy-boat, out of the public Treasury of the Island, besides the present of all the duties of his liquors *etc.* *Signed*, Jno. Kirton. *Endorsed*, Recd. Read June 14, 1705. 1 p. [C.O. 28, 7. No. 159; and 29, 9. pp. 316, 317.]

June 14. **1177.** Capt. Lloyd to the Council of Trade and Plantations. *Refers* to news of the destruction of St. Johns *etc.* [April 20], confirmed by Mr. Campbell, the Prize officer there [June 15]. When I was at the head of the Company there, the like attempts were continually threatened, but, by my obliging the inhabitants to build guard-houses and keep guards among themselves, and my maintaining of spies to observe the motions of the enemy, I always prevented it. This method has been wholly neglected since my being in England, and from thence the enemy has prevailed, by putting the inhabitants upon keeping the guards aforementioned (tho' the same was altogether calculated for their own preservation and the soldiery ne'er the less upon duty) has been the Chief, if not the only occasion, of their complaints against me. *Prays* for Instructions for his future guidance in this matter.

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Signed, Tho. Lloyd. *Endorsed*, Reed. Read June 19, 1705. 2 pp. [C.O. 194, 3. No. 62; and 195, 3. pp. 479, 480.]

June 14.
Whitehall.

1178. W. Popple, jr., to Mr. Lowndes. *Encloses* wants of Newfoundland Company (June 8) to be laid before the Lord High Treasurer. [C.O. 195, 3. p. 459.]

June 14.
Whitehall.

1179. Mr. Thurston to W. Popple. Prays that the Admiralty be moved for orders to the man of war appointed for Newfoundland to take on board the soldiers' cloaths, etc. *Signed*, J. Thurston. *Endorsed*, Reed. Read June 14, 1705. *Addressed*. $\frac{3}{4}$ p. [C.O. 194, 3. No. 61; and 195, 3. p. 460.]

June 14.
Whitehall.

1180. W. Popple, jr., to Mr. Burchett. Desires him to move the Admiralty according to Mr. Thurston's request above. [C.O. 195, 3. p. 461.]

June 15.
Admiralty
Office.

1181. Mr. Burchett to W. Popple, jr. *Reply to preceding*. The two men of warr bound to Newfoundland are so full of stores and provisions that they cannot carry the cloathing. *Signed*, J. Burchett. *Endorsed*, Reed. Read June 15, 1705. *Addressed*. 1 p. [C.O. 194, 3. No. 63; and 195, 3. p. 462.]

[June 14.]

1182. Contractors with the Czar to the Council of Trade and Plantations. Pray that Peter Marshall and his wife may not be recalled till they have done their work in Russia [May 23, 26]. *Signed*, Nath. Gould, Sam. Heathcote, Wm. Dawsonne. *Endorsed*, Reed. Read June 14, 1705. $1\frac{1}{2}$ pp. [C.O. 5, 1314. No. 62; and 5, 1361. pp. 354, 355.]

June 15.
Whitehall.

1183. Council of Trade and Plantations to Mr. Secretary Harley. *Recommend preceding petition*, "in case the direction of this affair as to the time and manner of sending those persons and destroying the engins and materials be wholly left to your Majesty's Envoy, and that he be ordered to cause the said persons to be conveyed out of Muscovy and the engines to be broken immediately, in case he shall judge that any danger shall arise to the publick in dissolving those mysteries by such prolongation of time." [C.O. 5, 1361. pp. 356-358.]

June 15.
Whitehall.

1184. Council of Trade and Plantations to the Queen. In obedience to Order of April 23, we have examined the papers and parties concerned (*June 7 etc.*) and do not find anything in further justification of the Governor of Barbados, or cause to make any alteration in our report. [C.O. 29, 9. pp. 317, 318.]

June 15.

1185. Colin Campbell to the Council of Trade and Plantations. On April 28 Lt. John Moody ordered me for England in the sloop *Friendship* of Boston impressed by him for H.M. service with sundry packetts for your Lordships, the Board of Ordnance etc. *Describes* capture by a French privateer after he had thrown all his papers overboard. I ransomed the sloop for 100 guineas

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giving him Bills of Exchange, thinking it would be to the advantage of the Government to have speedy advice of the distressed condition of Newfoundland. *Enumerates* the sunken papers. The box directed to the Board contained a Journal of M. Subercasse's invasion, Jan 21—Feb. 23. *Gives his own account from memory* :— On Jan. 21 the Governor of Placentia with about 600 men, including 150 Indians and Canadians, did march from Placentia by land to Bay Bulls, thence to Petty Harbour and St. John's, which Harbour they took by surprise about 3 a.m., and after having barbarously murdered many of the inhabitants and made the rest prisoners, they laid siege to H.M. Fort, commanded by Lt. Moody and Robert Latham with about 70 men whereof about 20 inhabitants, *etc.* [See April 20]. We lost no more than 1 sergent and 2 or 3 private men. On Feb. 23 the French marched S. to Fair Ellen's carrying away as prisoners all the inhabitants and myself, and left behind the Canadians and Indians to make good their retreat, who joined them soon after, committing the like barbarity as they had done at St. John's all along as they went, at Kitty Vitty, Patty Harbour, Bay of Bulls and Fair Ellen, *etc.* where I obtained my liberty by humble solicitations. There M. Subercass ordered the Canadians and Indians under M. Mountigny to march to the Northward, which they did by way of Hollyrood, in the Bay of Consumption, burning and destroying in like manner the harbours of Harbermaine, Breckhouse, Portegrave, Island Cove, Harbour Grace, Carbineer, Bay of Verdes, *etc.*, all along to the northward, and when I came from Newfoundland (May 4) they were not gone from Trinity Bay, M. Subercass being with the rest of the forces returned to Placentia by the way of Trepasse and the Bay of St. Mary's with about 200 English prisoners and is there safely arrived, as we understand by some that have since made their escape from thence.

The packet also contained sundry depositions taken by Lieut. Moody against John Roop, that he had endeavoured during the last winter industriously to diswade the inhabitants from contributing any assistance by watching or otherwise for the security of the Forts and Harbour, and that he had, while the French were there, discovered to them what he knew of the weakness of the Fort and Castle, and that the enemy acknowledged to have received very considerable services from him by intelligence, *etc.*, and that after the first 3 or 4 days he was at perfect liberty during all the time the French continued in St. John's. A petition to H.M. from the inhabitants of Carboneer did refer to two former petitions laid before your Lordships, and did represent their great sufferings and services both during the last warr and now in defending the Island of Carboneer from the utmost insults of the French, and praying H.M. orders for their relief and future security by appointing a Fort and garrison there. As to the Fort and Batterys, I believe they need very much to be repaired, especially Fort William, both within and the outworks. *Signed*, Colin Campbell. *Endorsed*, Recd. Read June 15, 1705. 3 $\frac{1}{2}$ large pp. [C.O. 194, 3. No. 64; and 195, 3. pp. 463-476.]

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June 18. **1186.** Governor Parke's Instructions. *Signed, Anne. R.*
Windsor. [See May 10 and 17.] 51 pp. [C.O. 152, 39. No. 104.]

June 18. **1187.** The account given by R. Sampson of the late affair in Newfoundland. Two companies of French soldiers each between 40 and 50, 90 Indians and between 2 and 300 inhabitants of Placentia crossed to the Bay of Bulls and thence to Petty Harbour, 7 miles from St. Johns, on Jan. 19, wch. they took, and arrived at St. Johns about $\frac{1}{2}$ an hour before day. On Jan. 21 they surprised the harbour, they having not kept this winter any guards, and killed on yt. morning and during their stay there 9 of the inhabitants, viz., Wm. Legassick, his brother and one servant, Tho. Lewis, — Abbott, a servant to John Bradbery, John Bromwell, and two more, some of the soldiers and artificers belonging to the Garrison, being admitted to lie in ye harbour, likewise suffered, viz., Peter Wyld and John Moulding carried to Placentia, and Wm. Rickitts, gunner, — Roberts, Carpenter to the Fort, was killed, John Sheremon, soldier, together with his wife and child was killed; there being no guard kept in ye North Batterey, they took ye cannon, there being 13, with which they annoyed ye South Batterey, having found two barrells of powder which belonged to the Forte in ye Queen's storehouse by ye waterside; ye first day they arrived, about 200 of the enimie went towards ye South Batterey, commanded by Lieut. Robert Latham, who had with him 12 soldiers and 15 inhabitants, ye French fired on them out of ye woods very much with two great guns, wch. they found on ye South point, in ye main garrison we had two men killed, Jonathan Bargery, serg't., and John Feild, an inhabitant. . . . The French sent very often small parties between 10 and 20 to amuse the garrison, which were generally commanded by a serjeant, but to ye South side they always sent a Commission Officer. Quidi Vidy being a harbour a mile from St. Johns, having about 100 men fit to carry arms, the enimie gave them their liberty to live in their own houses without any confinement, but had ye ordering of their own things as before, there was no houses, craft nor stages destroyed, yet they never endeavoured to come to ye assistance of ye Garrison, but to ye contrary, one Richd. King proposing going to ye Fort, the English inhabitants of Quidi Vidi told ye enimie of him, and they had him presently kill'd: several were suspected at St. John's of having a correspondence with ye enimie, having particular favours shew'd them. Feb. 26 they left ye harbour of St. Johns having destroyed all ye houses, boats etc. except four houses: they took all ye inhabitants with them to Petty Harbour, 4 of wch. was killed on the road, viz., John Weak, Wm. Hammott, Richd. Peters and another, from whence the inhabitants had liberty to return, except 60 or 70 which they carried with them to Placentia, several of which since made their escape and gave account that M. Subercass was arrived at Placentia, that there was a small vessel designed for St. Johns with boombs, but was drove back by bad weather, and that after they went to Placentia they were ordered to unload her, yt. ye French left at Placentia, while they went to St. Johns,

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but 30 or 40 men fitt to carry arms. The French in their return burnt Bay Bulls, Ferryland, Renoos, Ferrenoos, Aqua Fort, Breacast by South, Harbour Maine, Breacast by North, Portugrave, Harbourg race, Carboneer, ye inhabitants of ye later went to a small Island with most of their effects, where they secured themselves. Ye Cannada Indians went to Trinity Bay in order to ravage and destroy that coasts. Mr. Collin Campbell and one Pemberton were sent from ye French Governor to ye Fort 2 or 3 times with a Flagg of Truce, and the French having found some papers with John Roope they forced him prisoner with them to Placentia and put him on board their guard-shipp in order to send him to France. He told deponent they were so incensed against him that he was afraid they would never release him, and farther that there was 7 men killed at Torbay, and ye harbour and houses burnt. *Signed*, Rich. Sampson. *Endorsed*, Reed. Read June 20, 1705. 2½ pp. [C.O. 194, 3. No. 66; and 195, 3. pp. 481-486.]

[June 19.] **1188.** W. Atwood to the Council of Trade and Plantations. Two Memorials, desiring a certificate to the Lord High Treasurer as to his salary as Chief Justice of New York, *etc.* *Signed*, Wm. Atwood. *Endorsed*, Reed. Read June 19, 1705. 2 pp. [C.O. 5, 1048. Nos. 116, 116.i.]

June 19. **1189.** Certificate as to Mr. Atwood's salary, as it appears
Whitehall. from the papers in the office of the Council of Trade and Plantations. (*See preceding.*) *Signed*, Wm. Popple, jr. 1 p. [C.O. 5, 1048. No. 118; and 5, 1120. pp. 296, 297.]

[June 19.] **1190.** Merchants trading for Newfoundland to the Council of Trade and Plantations. Mr. Campbell's affidavit shows that the inhabitants of Newfoundland are by the late incursions and barbarities of the French reduced to the utmost extremity of want and misery, and rendered incapable of defending themselves. *Pray* the Board to represent to H.M. the need of an immediate reinforcement of men, arms and ammunition. 37 signatures. *Endorsed*, Reed. Read June 19, 1705. 1 p. *Enclosed*,

1190. i. Affidavit of Mr. Campbell (*cf. preceding and June 15*). *Signed*, Colin Campbell. 2½ pp. [C.O. 194, 3. Nos. 65, 65.i.; and (*without enclosure*), 195, 3. pp. 477, 478.]

[June 19.] **1191.** R. Downes to the Council of Trade and Plantations. (*see April 23.*) *Answer to the reasons of the Governor and Council of Barbados for not admitting him to the Council.* (1) He has had a Commission as Lt. Col. for many years; hence his friends in England that took out the mandamus made the mistake of calling him Colonel. Respondent knows of no other Richard Downes in the Island except one, who was never more than Captain. (2) The Council was not complete when he first waited on H.E. with H.M. mandamus. (3) It is quite untrue that he has been the author of faction and disorder. (4) He never asked

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William Weaddell for his vote, but after he had voted and been threatened to be indicted for the same, respondent asked him what his freehold was that he polled upon, to which he said that he married a woman who, he understood, was possessed of 10 acres of land for her life; but on the trial it appeared that the land was by her husband's will to go to her children at a certain age, upon which the man was prosecuted for his mistake. (5) Utterly denies that he made use of the publick moneys for his own occasions when he was Treasurer. His accounts are now before the Committee of both Houses, which they cannot pass without an order from the Governor to allow several sums which respondent paid according to the direction of the Laws, though without H.E.'s particular direction, which the Governor has not yet done. Hence the delay, and not any fault of his. He never preferred one or postponed other payments, but when there was money in the Treasury paid the orders as they were brought to him without favour. (6) He never slighted H.M. mandamus, but spoke of it with respect and honour. (7) He never turned his wife out of doors, nor suffered her to live in poverty; she did not leave his house till she had got 150*l.* per annum alimony allowed her. Denies that he lived with another woman, and had he not been advised that the Governor and Council had no jurisdiction of that matter, could have cleared himself of that aspersion. (8) Denies that he evaded the Laws, violated the freedom of election, or caused any sham freeholders to be made to vote for him, or caused part of the Assembly to go out of the House in relation to his contest with Lt. Col. Battyn or otherwise, for it's publicly known what some of the Members of the Assembly left the house for, which was to hinder a bill from passing which was then depending in the house for raising two companies of granadeers. (9) Denies that he behaved insolently to the Governor. Prays for H.M. order for the Governor to admit him of the Council. *Endorsed.* Recd. Read June 19, 1705. 3 $\frac{3}{4}$ pp. *Enclosed,*

1191. i. Richard Downes to the Governor and Council of Barbados. Prays that several sums of money paid by him according to the Laws as Treasurer, may be allowed by H.E. Order. *Copy.* 1 $\frac{1}{2}$ pp.

1191. ii. Minute of Council and Assembly of Barbados, July 28, 1704. The Joint-Committee of Accounts were of opinion that they could not pass Mr. Downes' accounts without H.E. Orders for the sums disbursed by him. 1 p. [*C.O.* 28, 7. Nos. 160, 160.i., ii.; and 29, 9. pp. 325-337.]

June 20.
Whitehall.

1192. Council of Trade and Plantations to Mr. Secretary Hedges. Some days since Mr. Campbell gave us an account [June 15] of the destruction made by the French upon several harbours in Newfoundland, which he saying he had likewise given to you, we did not then write upon that subject. But having since received the enclosed account from Mr. Sampson [June 18], which we find in severall particulars to differ very much from Mr. Campbell's, and having been attended by severall merchants

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trading to Newfoundland, and discoursed with Capt. Lloyd, we transfer to you our observations, suspecting that there have been some treacherous correspondence held by some of H.M. subjects with the French in those parts. *Enclose* the petition of merchants [June 19], with our opinion that for the present such ammunition and materials, as shall be judged necessary for the Fort, may be put on board the convoy now going thither. *Autographs.* 1½ pp. *Annexed,*

1192. i. Copy of petition of Merchants (June 19). 2 pp.

1192. ii. Copy of Affidavit of Colin Campbell (June 15). 3 pp.

1192. iii. Copy of Richd. Sampson's Affidavit (June 18). 3½ pp.

1192. iv. Observations by the Council of Trade and Plantations upon some informations relating to Newfoundland. (1) Mr. Campbell says the French destroyed all the dwelling-houses except 2 or 3, Sampson says, except 4. Capt. Lloyd names the owners—Bengar, Coleworth, Fletcher, and Campbell, who makes the above affidavit. Capt. Lloyd says that one Gréasy, a native of Jersey, had 7 cattle saved to him. *Other discrepancies and omissions in Campbell's account are noted.* Campbell has alledged to us in discourse that the French let him goe only upon his intreaty, having taken 30 of his servants; and that John Roop, who has perfected the Boom, went voluntarily away with the French and has some command in one of the ships. [*C.O.* 194, 22. Nos. 30, 30.i-iv.; and (*representations and enclosure iv. only*), 195, 4. pp. 1-3; and (*duplicate of No. iii.*) 194, 22. No. 30.v.]

June 20.
Whitehall.

1193. W. Popple, jr., to Mr. Wain(e), Capt. of the sloop *Friendship* of Boston. The Council of Trade and Plantations desire you to make as particular an affidavit as you can before the Mayor of Plymouth or any other J.P., of all within your knowledge relating to the late attempts made by the French upon Newfoundland, as likewise to what happened to yourself and ship (*see June 15*). [*C.O.* 195, 4. p. 4.]

June 20.

1194. Mr. Penn to the Council of Trade and Plantations. Honble. frds. I begg ye dispatch of the Laws, that wt. can may be done before the surrender, and then there will be ye less to condition for. I am ready wn. you please to let me know you are for me. Your respectfll. friend, Wm. Penn. *Endorsed, Recd. Read June 21, 1705. Addressed. Sealed. Holograph.* 1 p. [*C.O.* 5, 1263. No. 21; and 5, 1291. p. 153.]

[June 23.]

1195. Newfoundland Merchants to the Queen. *Refer* to the value of the Newfoundland trade and the damage done by the recent incursion of the French, estimated at 140,000*l.* sterl. Petitioners being informed there are two men-of-war now ordered thither with only one company of soldiers, *propose* that 500 or 600 men are necessary there, or two men-of-war to winter there, together with the present garrison and the company now going,

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otherwise fear the surviving inhabitants will leave the Island, etc., etc. 101 signatures. 1 large p. *Enclosed*,

1195. i. Affidavit of Colin Campbell as to the attacks by the French. To same effect as June 15. *Signed*, Colin Campbell. 2½ pp. [*C.O.* 194, 22. Nos. 37, 38.]

June 24.
Barbados.

1196. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges* letters etc. of April 12, 20 and 26. The powder duty here has never been paid nor so much as ever demanded from the pacquetts. *Refers* to letter etc. of June 10. *Encloses* 4 Acts lately passed. In the Minutes of Council your Lops. will see an information against Mr. Chilton, the Queen's Attorney General, and Mr. Lillington, one of the suspended Councillours, since that the Court of Oyer and Terminer has bin held, and they have both bin tryed and found guilty of high misdemeanours. Mr. Lillington was fined 2,000*l.*, which he has paid, and has not demanded any appeal, which if he had I find by my Instructions I am to grant in all fines above 200*l.* Mr. Chilton's sentence was to pay a fine of 75*l.* and to lye in prison during the pleasure of the government. Their crimes will appear in the proceedings etc. [*See* July 16.] By the death of Sir Henry Pickering, whom I had sworn into the Council some months agoe, the Members of it are again reduced to six, so that there is a vacancy I am to fill up, etc. *Signed*, Bevill Granville. *Endorsed*, Reed. Sept. 3, Read Oct. 31, 1705. *Holograph*. 3½ pp. [*C.O.* 28, 9. No. 17; and 29, 9. pp. 402-405.]

[June 25.]

1197. Governor Lord Cornbury to the Council of Trade and Plantations. *Intercedes* for the widow of Dr. Bridges, that H.M. may grant her the salary due to her husband as Chief Justice of New York. *Signed*, Cornbury. *Endorsed*, Reed. 25th, Read June 28th, 1705. *Copy*. 2 pp. [*C.O.* 5, 1048. No. 117; and 5, 1120. pp. 310-312.]

June 25.

1198. Capt. Lloyd to Sir Charles Hedges. *Prays* for an addition of gunners, ammunition and gun-carriages, etc. for Newfoundland, and an armourer, for want of whom 600 fire-arms long since sent by the Ordnance thither have been hitherto wholly useless. And whereas information is given that the French upon retiring nailed up 13 of the guns upon the North Battery, *prays* that proper instruments be sent out. *Prays* for instructions in case provisions and clothes fail, for subsisting French prisoners, and the charge of spies, etc. *Signed*, Tho. Lloyd. 2 pp. *On back*,

1198. i. Notes by [? Sir C. Hedges]. Mr. Lloyd to go to the Secretary of War for disbursements. To make Bills, and if reasonable will be allowed, etc. [*C.O.* 194, 22. No. 32.]

June 26.

1199. H. Greenhill to W. Popple. *Encloses following*. [*See* June 20.] I have disburst for the Notary Publick and the Seal of the Corporation, 12*s.* 2*d.* *Signed*, Henry Greenhill. *Endorsed*, Reed. Read July 3, 1705. 1 p. *Enclosed*,

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1199. i. W. Waine to W. Popple. I have made the affidavit desired (June 20). *Signed*, Wm. Waine. *Addressed*. *Postmark*. $\frac{3}{4}$ p.
1199. ii. Deposition of W. Waine. On arriving from New England at St. Johns, April 12, Deponent went to the Commander at Fort William. On his way he saw that the houses of St. John's, saving about five or six, had been burnt or destroyed, and likewise the stages and fishing-boats for the most part. The Governor informed him of the attack by the French. Corroborates Mr. Campbell's account of the taking of his sloop *Friendship* and the sinking of the letters. June 25, 1705. *Signed*, Wm. Waine. *Sworn before* Thomas Darracott, Mayor. *Seal of Plymouth*. $2\frac{3}{4}$ pp. [*C.O.* 194, 3. *Nos.* 67, 67.i., ii.; and 195, 4. pp. 5-13.]

[June 27.] **1200.** Sir H. Ashhurst to the Council of Trade and Plantations. *Reply to* Mr. Feild and Mr. Wyeth. [June 5.] Their arguments do not invalidate the reasonableness of his demand for a respite until the answer from Connecticut is received to the matter of fact as to the Law and whether the Quakers have suffered by it or are liable to do so. He owns in his Memorial that they live peaceably in that Colony, not abusing their liberty of conscience. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read June 27, 1705. $1\frac{1}{2}$ pp. [*C.O.* 5, 1263. *No.* 22; and 5, 1291. pp. 154-156.]

June 27. **1201.** Sir Charles Hedges to the Council of Trade and Whitehall. Plantations. I desire to know if you have any objection to the following. *Signed*, C. Hedges. *Endorsed*, Recd. Read June 28, 1705. 1 p. *Enclosed*,
 1201. i. Richard Scott to the Queen. Prays for further leave to stay in England for the recovery of his health, and to continue of the Council of Barbados, provided he arrive there by Michs., 1706. *Signed*, Richd. Scott. 1 p. [*C.O.* 28, 7. *Nos.* 161, 161.i.; and 29, 9. pp. 347-349.]

June 27. **1202.** Council of Trade and Plantations to the Queen. Report Whitehall. upon the petition etc. of Richard Downes and answers, summarized. (*See* April 23, June 19 etc.) The Governor's not admitting him to the Council of Barbados upon your Majesty's letter did not proceed from any disrespect to your royal authority, but he transmitted his reasons, in order to know your Majesty's further pleasure thereupon. We take leave to add, that in case your Majesty be pleased to restore the Four Suspended Counsellors and confirm those whom the Governor had put into their places, according to our Representation of March 29, the number of the Council is at present complete. [*C.O.* 29, 9. pp. 338-346.]

June 27. **1203.** W. Popple to Mr. Penn. Mr. Feild and Mr. Wyeth Whitehall. having acquainted the Council of Trade and Plantations that they were obliged to go into the country and that you would take
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care of their business, I send you the inclosed letter to them, that you may, if you think fit, return an answer thereto. *Annexed*,
 1203. i. The Council of Trade and Plantations send you the inclosed Memorial from Sir H. Ashhurst for your speedy answer, and desire you to give them instances of any People's having been persecuted upon ye Connecticut Act against Hereticks. W. Popple, jr., Whitehall, June 27, 1705. [*C.O.* 5, 1291. *p.* 157.]

June 28.
 Whitehall.

1204. Council of Trade and Plantations to Governor Handasyd. We send you the new Seal and warrant for using the same. You are to cause the old Seal to be broken before you in Council and transmitted to this Board, etc. (*as July* 28). [*C.O.* 138, 11. *p.* 399.]

June 29.
 Bermuda.

1205. Lt. Governor Bennett to the Council of Trade and Plantations. Further *reply* to Aug. 24. According to your Lordships' command, Daniell Smith was brought to his trial on June 25 and was acquitted, the whole proceeding of which I will transmit in my next. As to what relates to the magazine ships not coming here as formerly, I have sent the reasons for it under the Council's hands, and their opinion about the quantity of tobacco planted, and also a certificate under the Justices' hands, what was made last year and has been planted this, and the Collectors' account of what quantity hath been exported since my arrivall here. I acknowledge what your Lordships say relating to the account of the revenue, but Mr. Spanforth (the commissioned auditor) was never soe ill as to be imagined he could be so long incapassitated; but care is taken for a speedy transmission, as well of those as every thing else mentioned in that paragraph, and I desire your Lordships to believe the cause that every parte of my Instructions has not been comply'd with, did not proceed from any willfull neglect, but for want of time or more Clarks. It was impossible for me to do more than I have since my coming here. I pray my Lords recollect the confus'd state of this Governmt. when I arrived, and also the condition of those that had been fortifications, and not one man in the country that knew how to give directions, so that my attendance was constantly in one or other of them to my great fatigue and expence. When they were tollerably in a posture for service, I began to discipline the militia, who were wholly ignorant, and now (in character) as good as any in the West Indies. Next comes Mr. Larkin, who took up all my time and what help could be had for a year and a halfe, and had every of those my voluminous pacquets arrived which were sent to your Lordships occasioned by him, it would then be convincing the pains I have been obliged to take to justify my injured reputation. What I transmitted to your Lordships was about one fourth of what was sent, for the same I returned to the Secretary of State and my brother, besides what accounts I thought necessary to give to severall of my friends whom I presumed would serve me on occasion. After this barbarous dispute was over, I proceeded to compleat the

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fortifications and militia, and to put in execution the design of forming a troop of Horse Granadiers I formerly acquainted your Lordships of, which is now so far effected as to have above 100 on the list, and seldom less than 60 appears at an exercise in the field (one-third of them entred being on their affairs generally att sea) they consist of people of the best circumstance, and begin so much to value themselves that severall are in scarlet and many have sent abroad for cloath to appear in the same, soe that in a year's time I doubt not but they will be all in one colour, and many more say they will list when accouter'd, the encouragement by seeing soe many (contrary to all expectation) come in, and to get more I thought convenient to dignify the troop by the name of H.M. volunteer troop of Horse Granadiers (which I hope was noe crime) and made men of interest their Officers (viz.) Col. Charles Walker, Lieut. Cole, John Trimmingham, the Major is to be Lieut.-Coll. Wm. Outerbridg, formerly soe to the regiment of Foot, Henry Tucker, First Lieut., Ralph Noden Second Lieut., there are also two Brigadiers, men of very good estates considering this country. I always am with them when they draw out, and used to exercise them till of late, but the Officers now being very well quallified for that duty, I leave it to them; with this troop, and the Company of soldiers H.M. was pleased to give me a Commission for (the men whereof we can take up behind us) I can always depend of having att least 100 Granadiers, which must do good service against an enemy when landing, and by being on horseback we can waite on their boats along shoar, and from time to time send word to the regiment of militia to halt or march, as occasion requires, which will save them from being fatigued. Having thus given an account how I have employ'd my time, I desire your Lordships to consider whether I could have much to spare, indeed my duty (to which with pleasure I have been a slave) would oblige me to attempt anything, but nothing but that and my allegiance could prevail to undergoe the same again, especially that part in which I was forced to be easy under daily insults, affronts and reproaches and used with more contempt than scoundrel, and all the hopes of satisfaction I have left (Larkin being dead), is that your Lordships and the world are satisfied I have been injured. Pursuant to your Lordships' commands, H.M. Orders of Council have been published, and duely registred, as also H.M. approbation of the Act for raising a *publick revenue*, etc. As for those Acts, *Refers* to letter of March 31, said to be past in 1694, 1698 and 1701, I always concluded they were transmitted at large amongst the rest, for my orders to the Secretary were to prepare a transcript of all the laws then in force, and when I received your Lordships' letter, I sent for him to give me his reason why they were not included, he told me he could not possibly recollect, it being soe long time since, and desired me to assure your Lordships he had no manner of design in omitting them, and hoped your Lordships would judge favourably of him; I have now transmitted authentick copys of them, excepting that for the support of the Government which I conclude your Lordships has already. I

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also received H.M. letter relating to prizes, to which all care and obedience shall be shown. *Repeats letter of April 4, etc. Signed, Ben. Bennett. Endorsed, Recd. Nov. 4, 1705, Read May 28, 1706. Holograph. 5 pp. Enclosed,*

1205. i. *Duplicate of enclosure No. iv, April 4.*

1205. ii. Account of Tobacco made in Bermuda, 1704. Total, 19,862*lb.* Estimate for 1705, 9,138*lb.* *Signed, Fra. Jones, Will. Tucker, Dll. Johnson, Tho. Burton, George Darrell, Tho. Forster, Wm. Outerbridge, John Dickinson, Richd. Gilbert. Endorsed, Recd. Nov. 14, 1705. 1 p.*

1205. iii. Report of the Council of Bermuda in reply to enquiry of Aug. 24. (1) In the ship called ye Magazine, commonly sent by the Bermuda Company once a year, was always sent stores of war and necessities for the Island, the Company positively forbidding all manner of trade with any but themselves, commanding seizure to be made on all manner of dry-goods not imported by them and confirming the whole produce of these Islands to be remitted in ye said ship, only a liberty given to their Governor and Council here, that if she fail of carrying ye whole (wch. was but seldom), that then they might employ another ship on the same terms, consigning the produce to the Company, who laid such a restriction by commanding the Governmt. not to suffer any vessels to be built wch. exceeded 5 tons. Under wch. bondage these Islands laboured until they were relieved by a quo warranto brought against the Company's Patent for a dissolution. (2) Some time after the original settlement of the Islands, the earth was rich and fertile, but of late years experience hath taught us it will not yield half yt. encouragement as formerly. And likewise before the Company's dissolution, the price of tobacco was reduced to so low a rate, by their severities, which never since could be advanced, therefore it's in vain to plant tobacco, the produce whereof would not find bread for the planters, so that the quantity now planted is not much more than what hath its consumption here. (3) When such vast quantitys of tobacco was planted, the greatest part of this settlement was in the hands of tenants, wch. had no other ways for payment of their rents but by the produce of the same, not having regard to the preservation of timber, by wch. they could reap no benefit. But now ye greatest part of this Island is come into ye hands of Free-holders, who dilligently takes care for ye growth and preservation of timber, wth. wch. they raise mighty advantages by ye building of small vessels, some whereof are exposed to sale, others are employed in ye service of ye neighbouring Plantations, so that great part of ye ground, wch. formerly was planted, is now suffered to grow up into groves of cedars and preserv'd for the uses aforesaid.

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The remainder being too little to produce provision for ye many inhabitants here, there being imported yearly 10,000 bushels of Indian corn beside severall other sorts of provisions. *Signed*, Richard Peniston, Cha. Walker, Anthony White, Thomas Harford, Mich. Burrows, St. George Tucker, Benja. Hinson, Sam. Spofferth, Patrick Downing. *Endorsed as preceding.* 2½ pp.

1205. iv. List of clearances of tobacco, April 29, 1701—June 2, 1705. Custom House, Bermuda. *Total*, 50,882lb. in 30 vessels (chiefly Bermudan sloops bound for Barbados, Nevis, etc.). *Endorsed as preceding.* 1½ pp. [C.O. 37, 7. Nos. 26, 26.i-iv. ; and (with enclosure ii. only), 38, 6. pp. 175-182.]

[June 29.] **1206.** Bristol Merchants trading to Newfoundland to the Queen. *Pray* that such a strength may be sent thither as may secure the inhabitants and fishery etc. (cf. June 23). 25 *Signatures.* *Endorsed*, Read June 29, 1705. 1 p. *Enclosed*,

1206. i. Affidavit of R. Sampson. *Recounts* attacks upon St. Johns. The French seized Torbay but set the inhabitants at liberty upon promise that they would not stir from their houses, threatening that if any one did, they would kill all the rest. Two or three did attempt to get into St. Johns', whereupon the French murdered all the rest. They surprized Quitty Vitty and set the inhabitants at liberty under the same promise, plundering their moneys, cloths, etc., and burning sundry of their dwelling-houses. Deponent never heard nor does he believe that any of the inhabitants were suspected to be in the French interest or holding any correspondence with the enemy. The French acknowledged the great bravery of Lt. Moody and the loss of about 100 men ; besides that deponent saw 3 boats for carrying off their sick and wounded. The inhabitants and garrison also highly commend Lt. Moody. All very much blame Mr. Roop for having industriously dissuaded the inhabitants from complying with the frequent advices and earnest desires of Lieut. Moody to assist in guarding and watching that harbour last winter, etc. *Signed*, Richard Sampson. 2 pp. [C.O. 194, 22. Nos. 35, 35.i.]

[June 29.] **1207.** Newfoundland Merchants to [? Sir Charles Hedges]. Insist on the value of the Fishery and Colony. The subjects of England did for many years enjoy all the great advantages arising therefrom, untill in the reign of K. Charles II the French by various artifices and clandestine methods obtained leave from that Prince to fish in some parts on that coast which were pretended to be less frequented by the English, and thereupon at first took possession of some obscure and remote harbours, and then by degrees of above one half of the harbours of that Island, etc. The French settlements there and in Canada being very much enlarg'd they threaten to beat off the English, unless a

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good land and sea force be sent speedily thither, etc. 11 *Signatures*.
Endorsed, Read June 29, 1705. 1 p. [C.O. 194, 22. No. 36.]

June 29.
 Whitehall.

1208. W. Popple to Mr. Lowndes. *Encloses* letter of Lord Cornbury relating to the widow of Dr. Bridges to be laid before the Lord High Treasurer. [C.O. 5, 1120. p. 318.]

June 30.
 (30th, 1705.)

1209. Mr. Penn to the Council of Trade and Plantations. I returne you the Laws, desiring you would please to allow them yr. notice as soon and fast as you can, that a ship intending thither within a month may carry the people the satisfaction of their haveing a Governmt., for ye exceptions, they may be in ye nicest parts supply'd by the Queen's grants or in ye Surrender till mended by fresh Laws. I hope you will consider ye business of the mony, either to drop it or make it practicable, since at present I don't finde the Govermts. of ye Continent have comply'd with the Regulatn. Your Respectfl. friend. *Signed*, Wm. Penn. *Endorsed*, Recd. Read July 6, 1705. *Addressed*. *Sealed*. *Holograph*. 1 $\frac{3}{4}$ pp. [C.O. 5, 1263. No. 24; and 5, 1291. p. 161.]

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 Maryland.

1210. Governor Seymour to the Council of Trade and Plantations. My last was of Sep. 29. The revising and re-enacting the Laws [*by the Assembly*] being now in a competent measure effected, I have againe carefully inspected and reviewed them, and according to ye injunction layd on me, offered my sentiments on them, which with the said Laws and Journals of the Councill and Assembly of that and two subsequent Sessions, to witt of Dec. and May last, by H.M.S. *Strumbulo*, the very first opportunity that had offered since the departure of the last fleete in July, 1704, I have transmitted to your Lordships for your perusal, and kind representation to H.M. By the Journalls of the Councill and Assembly your Lordships will observe the severall misfortunes this poore Province hath mett with since my arrivall (to witt) the publique Court House being burnt with the Councill Records, and those of Ann Arundell County. The repeated disturbances our neighbouring Indians have given us by their barbarities on some of H.M. subjects. And lastly the treachery and villany of some among us endeavouring to seize this H.M. Government and joyne with the Indians. These are no common misfortunes, having allow'd me little ease since my tedious long voyage hither, and I hope your Lordships will take notice that I have had so just a regarde of my duty to H.M. not to have omitted the minutest punctilio which might anywise conduce to prevent or repaire those mischiefs by the speediest application I was capable; for I thinke I have thoroughly sifted the matter, so that Richd. Clarke, the Ringleader, refusing to surrender on Proclamation stands outlaw'd by Act of Assembly, and severall of his accomplices are now in the Goale at Annapolis, one of them having received sentence of Death, being convict of breaking the prison. The rest are to be tryed at an especial Court of Oyer and Terminer and Goale Delivery on 28th inst., the proceedings whereof shall be transmitted

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to your honble. Boarde. Wee have another greate misfortune which incencibly hath crept upon us of late years, especially since ye last warr, the want of good arms and ammunition etc. and gave birth to the designs of our native incendiarys and our heathen enemys, and this is not to be presently remedied, it being impossible to supply these wants under 12 months, unless it be a little powder we gett from some stragling shippes that run hither without convoy, and this is but a very poore recruite for so large and naked a Countrye, besides every one knows arms must be had from England. Our designing rogues have taken great care to lett ye Indians know the true circumstances of our condition, which has sufficiently awakened every honest considering person amongst us. There is a pritty good summe in Bancke, and H.M. Council has advis'd me to write for a considerable number of all sorts of arms, that each County may have a proportionable share to defend themselves from any suddaine insult ; but unless there be a proper person to looke over these arms and ammunition twice in a yeare at least, this misfortune will never have an end, or the Countrye ever be put in a defencible posture, for the few arms that have been bought in any of my predecessors' time, are useless for want of care, and most of them embezilled on the Death of severall Colonells, many Countys hardly any at all left for want of such a proper Officer, who should take ye surveigh and securitys that the severall Countys shall keepe those arms cleane and well fixed agt. any occasion, which will be a means to secure this stock for the use of themselves and posterity, only the powder must be changed in two or three years at farthest, the clymate making it absolutely necessary, wherefore if your Lordships will represent this to H.M. in Council, I hope H.M. will direct what his sallary shal be (this countrye being of a large extent) and order me how to impower him to execute that Office ; for by this method the charge of buying arms every two or three years will be unnecessary, and therefore may be payd out of the 3d. per hhd. I must observe the irregularity of our Provinciaall Court, to which all causes of any consequence are brought, which puttys the Country to a very greate charge, when four intinerant Judges, chosen out of the most knowing and honest, would doe the Country's business more to their satisfaction, the honour of our Laws and Constitution, and take off a greate charge from the poore Countrye, and besides all that, this Rule would make the prerogative shine brighter in a countrye that has been govern'd so long by a Proprietor. And inasmuch as the best of laws are of noe advantage unless duly put in execution as well by Ministeriall as Judiciall Officers, I hope your Lordships will thinke it necessary for H.M. service to represent that some encouragement be given to Mr. Wm. Bladen, a Gentleman here who has long serv'd the Governmt. in a most exact and faithful discharge of the severall offices he has past through, and now prosecutes in all pleas and matters for H.M. here, as her Attorney-Genll. It being highly reasonable that H.M. should command the best services of her subjects, yet it is not to be thought it should be to their detriment as in his case it really is, being ty'd

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up by the duty of his office from large fees usually given by criminals, and no provision by sallary or otherwise made here for that Officer, though H.M. has thought fit to make an allowance to such her officers in the rest of her Plantations, therefore hope she will be graciously pleased to direct me to settle such a competent sallary not exceeding 100*l.* per annum on the said office, and that it may be paid either out of the fines and forfeiture, or some other advantage to H.M. in this Province. Among the Laws are two, one made in Sept. last *to prevent the growth of Popery* and the other in Dec. *to suspend the prosecution of any Romish Priest upon the said former Act, by reason of exercising his function in a private Roman Catholique familye.* The first of these was presented by the House of Delegates to me and H.M. Councill, and had our ready assent, for it was become absolutely necessary to cheque the insolent extravagancys of those priest here, likewise the second was upon the humble petition of the Roman Catholiques here brought from the House to H.M. honble. Councill and myselfe, but in such a dress that would not have suited the Laws of England, and therefore having new modelled it with the necessary Retrenchments so as not to interfere with any of the Laws of England, I suffered it to pass with an intire submission to H.M. royall pleasure, as will appeare by the Law itselfe. Notwithstanding which a Renegado Romish priest of most scandalous life and conversation has been very free in dispersing a libell taxing me to be a favourer of papists and governed by them; but in this the Generall Assembly have done me publique Justice, which appears upon the Journalls of the Councill and Assembly, and I have the satisfaction of being assured none I have the honour to be knowne to can entertaine so mistaken and groundless opinion of me. I humbly submit to your Lordships, if you shall recommend it to H.M., to empower me to suffer no tobacco to be shipt, or European goods discharged but at 5 places in this Province, which would hinder all clandestine Trade (everybody here having a landing place) and shippes might loade in 5 weeks tyme, H.M. seamen be soone at home againe to serve on boarde the Fleete in July at farthest, a thing so usefull to the publique in genll. to prevent frawdts, that ye Assembly will never consent to have it made a law by them, and therefore have hitherto ever oppos'd it for ye sake of clandestinely shipping the goods brought from England, and shipping their tobacco at their owne Dores, which makes it impossible for all ye officers in ye world to know what is shipt or unshipt; I assure your Lordships this deserves a very mature consideration both as to Trade and ye want of seamen for H.M. service, who now stay many months in the Province, fall sick, and by unwholesomness of the clymate many dye, and those that returne are abroad so long they are useless to the publique a yeare at least. I have presumed to enclose a scheme of ye proposall as to this Province, and doubt not but Col. Nicholson may do the like in H.M. Colony of Virginia. I send the best account I can gett of the arms and ammunition I found in this Province, by which I am confident H.M. will believe her Councill here were in the Right to advise me to send for a Recrute, which

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I have directed Coll. Blakiston, my Friend and the Country's Agent, to supplye by the first safe conveyance, and when H.M. is made sencible of the constant charge of these recruits I hope she will be graciously pleased to thinke some effectuall care ought to be taken for their preservation. I likewise transmit to your Honours an account of ye inhabitants, children, servts. and slaves. One parte of my Instructions I am never able to answer, unless H.M. had a peculiar officer here encouraged with a salary to take the survey of the severall Ports and Harbours, being numberless in this Province; for upon my laying it before the Assembly, they refused to beare the charge thereof, being a great stepp to hinder their private trade. *Signed, Jo. Seymour. Endorsed, Reed.* Oct. 9. Read Nov. 8, 1705. 5 pp. *Enclosed,*

1210. i. A scheme for shipping all tobacco and goods at 5 Ports only in Maryland—Annapolis, Oxforde, Somerset, Puttuxent, St. Marys. Objections and advantages enumerated. [*See preceding letter.*] Maryland, June 21, 1705. *Endorsed, Reed.* Oct. 9, 1705. 3 pp.

1210. ii. An account of the arms and ammunition in Maryland returned by the Colonels in the respective Counties. May 15, 1705. *Total* :—524 muskets, 348 carabines, 118 barrells and 286*lb.* powder, *etc.* Most of the powder very indifferent and many of the arms out of order. *Signed, W. Bladen. Same endorsement.* 1 p.

1210. iii. List of the Inhabitants of Maryland, 1704.

County.	Masters of Familys.	Freemen and Servants.	Children, Frec.	Freemen and Servantmen.	Servant boys and girls.	Slaves, young and old.	Fit to bear arms.
Ann Arundell ..	765	1,058	1,418	503	145	672	1,272
Saint Marys ..	418	617	1,065	938	151	326	1,356
Kent	264	413	608	393	54	159	639
Calvert	309	560	942	619	243	938	928
Charles	408	485	931	390	197	578	868
Talbot	712	914	1,207	822	115	460	1,534
Baltimore ..	364	418	632	235	74	204	803
Somerset ..	804	1,167	1,436	642	83	305	1,546
Dorchester ..	305	512	814	418	64	199	723
Cecill	407	489	716	430	95	198	837
Prince George ..	416	530	1,166	464	92	436	880
Totals ..	5,172	7,163	10,935	5,954	1,313	4,475	11,386

Endorsed as preceding. 1 p.

1210. iv. Journal of the Committee of Accounts, May, 1705. *Same endorsement.* 10 pp.

1210. v. Journal of Committee of Accounts, Dec., 1704. *Same endorsement.* 12 pp.

1210. vi. Journal of Committee of Accounts, Sept., 1704. *Same endorsement.* 29 pp.

1210. vii. Governor Seymour's remarks upon the Laws of Maryland. July 3, 1705. *Same endorsement.* 53 pp. [*C.O.* 5, 715. Nos. 87, 87*i.*—vii.; and (*without enclosures*), 5, 726. pp. 323—333.]

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1211. Governor Seymour to [*? Sir C. Hedges*]. *Duplicates of preceding letter and enclosure No. i. Signed, Jo. Seymour. Endorsed, R. Dec. 1, 1705. 4 and 6 pp. [C.O. 5, 721. Nos. 3, 3.i., ii.]*

July 3.
Whitehall.

1212. Council of Trade and Plantations to Mr. Secretary Hedges. In reply to June 27. We find it by dayly experience to be very prejudicial to H.M. service that Counsellors in the Plantations be too long absent from their duty. But as to Col. Scott, he having been heretofore constantly resident in Barbados and designing to return by the next fleet, we humbly offer that H.M. be pleased to allow of his absence until that time, *etc.* [*C.O. 29, 9. pp. 349, 350.*]

July 3.
London.

1213. Mr. Dummer to Mr. Popple. The *Cotton* sloop, sailing from Barbadoes, April 8, for Antigua, after avoiding two other privateers, was taken after a sharp fight, off Nevis in sight of the man-of-war there, *etc.* *Concludes with extract in following. Signed, E. Dummer. Endorsed, Recd. Read July 3, 1705. Addressed. 1 p. [C.O. 323, 5. No. 82.]*

July 4.
Whitehall.

1214. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following. Autograph signatures. 1 p.*

1214. i. Extract of letter from Mr. Dummer to the Council of Trade and Plantations. I am informed that there are 22 privateers belonging to Martinico, that 14 of them were abroad; that in the 4 days the Captain (*? Dudley of the captured packet*) was a prisoner there were brought in 4 prizes, a ship from Ireland, a ship from Bristoll, another from New England, and a ship from the Maderas, with 500 pipes of wines. $\frac{1}{2}$ p. [*C.O. 152, 39. Nos. 106, 106.i.; and (without enclosure), 324, 9. pp. 106, 107.*]

July 4.
St. Christophers.

1215. Lt.-Governor Johnson to the Council of Trade and Plantations. *Reply to letter of April 26.* The Gentlemen of these Islands are so sensible of the great and growing mischiefs of the trade to St. Thomas, that the Generall Councill and Assembly lately mett at Nevis have ordered their Agents to press that affair as is possible. I will either send your Lordships a collection of the Laws very soon, or satisfie you 'tis none of my fault they are not transmitted. I have sent orders upon orders to the Lieut.-Governours of Antigua and Mountserrat, and about a fortnight since Col. Hodges writt me the Deputy-Secretary of that Island had positively refused the work, and would rather quitt his employ then be obliged to it. Your Lordships shall not fail of plans of the fortifications as soon as they are finished, but the unaccountable people of this Island will neither consent to make new ones nor so much as mend their old, which are all out of repair. What Sir W. Mathew in a letter to your Lordships called a new Fort was but an old platfforme, and rather spoiled than improved. If I committed a fault in relation to the new Councillors,

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both Sir W. Mathew and I were misled by the want of such a caution in the Instructions, and I must own, my Lords, I am very farr from having every perticular of the great Commission in my head, which scarce two men in this Government can read, but I will take care to prevent the ill consequences your Lordships apprehend. I could send no other account of the Agreement made with the French Generall, but that I choose a verry good man to make it. I shall doe my best to prevent the inconveniences arising from frequent flaggs of truce. I heartily wish for Col. Park's arrival, for I have such ill-natured and troublesome people to deal with, that I am already weary of my Command. I shall not fail to publish the Acts of Parliament your Lordships have been pleased to send me. I shall do myself the honour to answer Sir Charles Hedges's letter, and shall follow the directions given in it; though I must own, my Lords, I never heard that powder was demanded for any of the packet-boats. Mr. Dummer need not have troubled the Queen about such a trifle, such an instance of dispensing power would easily have been pardoned in a Cheif Governour here, even by those who will scarce pardon him the exercise of his just authority and such as is absolutely necessary for the due discharge of the trust reposed in him. *Signed*, Jon. Johnson. *Endorsed*, Recd. Sept. 3, Read Oct. 31, 1705. 2 pp. [C.O. 152, 6. No. 27; and 153, 9. pp. 273-276.]

July 4. **1216.** Lt.-Governor Johnson to [? *Sir Charles Hedges*].
St. Christopher. *Acknowledges* letter relating to the exemption of packett boats from paying the powder duty, which I believe will be cheerfully complied with. I never heard that it was ever demanded, and was certainly not within the pourview of the Acts which laid that duty on vessels trading to these Islands. *Signed*, Jon. Johnson. *Endorsed*, R. Sept. 5. 1 p. [C.O. 239, 1. No. 7.]

July 4. **1217.** W. Popple, jr., to Mr. Attorney-General. The Council
Whitehall. of Trade and Plantations, upon complaints from the Governor of New York, desire your opinion what H.M. may do by her prerogative to enforce an exact obedience to H.M. Proclamation, for settling the rates of foreign coines, in the Charter Governments, or how she may oblige the said Governments to a due compliance as it is absolutely necessary for the public service. *Encloses* Memorial from the Merchants of New York to the Governor, and the opinion of the Council thereupon. (*Dated June 4 by error.*) 1½ pp. [C.O. 323, 5. No. 88.i.; and 5, 1120. pp. 319, 320.]

July 4. **1218.** Sir C. Hedges to the Council of Trade and Plantations.
Whitehall. *Encloses following* for their report, as to that part which relates to putting the inhabitants under a civill and military Government. You are to prepare a scheme for such a settlement, and to send me such a draught of Instructions for the Commodore and Captain of the Fort as may be proper for them to set the inhabitants to work in building or repairing storehouses and places of security for the fishing tackle in the fort or elsewhere for laying them up

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when the fishing season is over, and for exempting them from any press, and their going or being carried away by the New England ships as is proposed. *Signed, C. Hedges. Endorsed, Recd. Read July 5, 1705. 1 p. Enclosed.*

1218. i. Proposals of Newfoundland Merchants. In obedience to the commands of the Rt. Hon. the Lords of H.M. Cabinet Council when we had the honour to attend with our petition, wee humbly represent that the inhabitants being in the winter, when the Commodore and Admirals are absent, without any civil regulations, and at all times without any military discipline, are thereby very much exposed to the inroads and insults of the neighbouring French. We propose that the inhabitants of each Harbour be authorized to choose from amongst themselves every year at All Saints one Chief Constable and one or more Constables for the preservation of peace and good order, and that some blank Commissions may be sent from England to be fill'd up by some proper persons at Newfoundland, to be delivered gratis to some of the inhabitants of each harbour elected by the majority of their neighbours, whereby they may be appointed as officers over them, and by whom the people may be frequently disciplin'd and train'd up, and under their conduct either guard or defend themselves, or attack the enemy, as there may be occasion. We compute there remain in the winter in the several Bays at least 1,000 men fit to bear arms:—

St. Johns and the Adjacent harbours	..	400
Consumption	.. ..	200
Trinity	.. ..	200
Bonavista	.. ..	200

which being unarmed and intirely impoverished by the late invasion, notwithstanding the good conduct of Lt. Moody and the brave defense made by him and the garrison, we humbly pray H.M. to send them such a number of armes and so much ammunition as may be thought necessary. And whereas their Lordships ordered us to give directions that the inhabitants of all the land may before winter carry their goods and fishing craft into the Fort of St. Johns, we humbly represent that the greatest number live at such a distance that we very much fear it will not be in their power, and we apprehend that there are not sufficient conveniencies in the same for the effects and fishing craft of that Harbour alone. In order to such a security it will be requisite to give directions to prepare more storehouses in the Fort of St. Johns, in which the people of that Harbour may lodge their effects *gratis*, and take them away at their pleasure, and that Forts or such other places of safety may be built in the Bays of Consumption, Trinity and Bonavista, wherein the inhabitants may safely lodge their effects, and by which all the land will

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be further secured from the incursions of their enemies. As Freedom and good order have been always thought necessary for the encouragement of this Fishing Trade, we pro[pose] that the Planters and their servants may be exempted from any press; that strict orders may be given to the Magistrates and Commanders to prevent the New England ships from carrying off the inhabitants or their servants without due notice, because by such methods the people that owe any money in the land very often go away, to the great loss of their creditors and the general prejudice of the Fisherie; and that, for the prevention of many oppressions and inconveniencies which may arise from the liberty the officers of the garrisons may take in trade, they may be debarred from the same. 11 *signatures*. [June 29.] 2 $\frac{1}{4}$ pp. [C.O. 194, 3. Nos. 68, 68.i.; and 195, 4. pp. 14-20; and (*enclosure only*), 194, 22. No. 33.]

July 5.
Whitehall.

1219. W. Popple to the Mayor of Bristol. *Encloses copy of preceding Memorial.* The Council of Trade and Plantations desire you to consult with the traders to Newfoundland in your city, and appoint some person to attend their Lordships with your opinion upon ye whole matter as soon as may be.

Similar letter, *mutatis mutandis*, to the Mayors of Biddeford, Barnstable, Plymouth, Exeter, Poole, Dartmouth, Weymouth. [C.O. 195, 4. p. 21.]

July 5.

1220. Merchants of Poole trading to Newfoundland to the Council of Trade and Plantations. Seeing that it is now too late in the year to raise fortifications for that countreyes safeguard the next winter, we propose that 2 or 3 fourth-rate men-of-war winter there, and cruise about St. John's Harbour, Trinity Harbour, and Ferryland Harbour respectively. In the winter the inhabitants may lodge themselves and their effects in any of these places. A captain and 30 or 40 soldiers to reside on Carboneere Island for the defence of that place and Consumption Bay. The best time to attack the French will be at the fall of the leaf, when there ships are all gone, vizt. the latter end of October, when a detachment of 50 men from each ship, 50 from St. Johns, and 100 or 150 inhabitants would be enough to destroy and plunder all their harbours in the S.W., the fort of Placentia only excepted, and that likewise if they can come upon it undiscovered, as the French did on St. Johns, and might have taken that fort, had they not began with the inhabitants first. We propose also that our forces should be transported into boats to the bottom of Trinity Bay, and thence march overland to the French Plantations, some of which are but few miles from the bottom of the said Bay. The 3 men-of-war above mentioned to be relieved every year until forts can be built; and such ships to serve as convoys for the ships bound to Portugal and England. 16 *signatures*. *Seal.* *Endorsed*, Recd. Read July 5, 1705, 1 large p. [C.O. 194, 3. No. 69; and 195, 4. pp. 22-26.]

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July 5. Whitehall. **1221.** W. Popple, jr., to Mr. Lowndes. *Encloses* extract of letter from Lord Cornbury. The Council of Trade and Plantations being sensible of a like want [*of a collection of the statutes of England*] in divers others of the Plantations, desire you to move the Lord High Treasurer, that they may have half-a-dozen to send as necessary. [*C.O.* 5, 1120. *p.* 321.]
- July 6. Whitehall. **1222.** W. Popple, jr., to Mr. Doeminique. *Encloses* extract from Lord Cornbury's letter [*? Feb.* 19] relating to Indian lands, unto which your answer is desired, as soon as you can conveniently. [*C.O.* 5, 994.A. *pp.* 227, 228.]
- July 6. Whitehall. **1223.** W. Popple, jr., to Mr. Attorney General. *Encloses* extracts from Lord Cornbury's letter [*? Feb.* 19], *etc.* The Council of Trade and Plantations desire your opinion whether fines, forfeitures and escheats in New Jersey belong to H.M., or to the Proprietors of the soil, and whether the appointing of Rangers of the Woods be in H.M. or the Proprietors. [*C.O.* 5, 994.A. *pp.* 228, 229.]
- July 6. Whitehall. **1224.** Council of Trade and Plantations to the Queen. Offer that H.M. confirm Roger Mompesson, John Barbarie and Adolphus Philips, admitted by Governor Lord Cornbury to the Council of New York. [*C.O.* 5, 1120. *pp.* 322, 323.]
- [July 6.] **1225.** W. Bohun to the Council of Trade and Plantations. *Prays* to be made Attorney-General of New York. *Signed*, Wm. Bohun. *Endorsed*, Reed. Read July 6, 1705. 1 *p.* [*C.O.* 5, 1048. *No.* 119; and 3, 1120. *pp.* 323, 324.]
- [July 6.] **1226.** S. Broughton to the Council of Trade and Plantations. *Prays* to succeed his father as Attorney-General of New York. *Endorsed*, Reed. Read July 6, 1705. 1 *p.* [*C.O.* 5, 1048. *No.* 120; and 5, 1120. *p.* 325.]
- July 6. Whitehall. **1227.** W. Popple, jr., to Mr. Attorney-General. *Enquires* whether Mr. Bohun and Mr. Broughton (*above*) be fit to be recommended. [*C.O.* 5, 1120. *p.* 326.]
- July 6. Whitehall. **1228.** Mr. Seeretary Hedges to the Council of Trade and Plantations. Upon your Representation of June 20, you will please to prepare instructions to Capt. Lloyd and the Commodore on the enclosed heads, or such other as you shall judge proper. *Signed*, C. Hedges. *Endorsed*, Reed. Read July 10, 1705. 1 *p.* *Enclosed*,
1228. i. Heads of Instructions referred to in preceding :—(1)
That Capt. Lloyd may list such straglers in Newfoundland as frequently go for New England after the Fishery is over, which will be a means of keeping them in the country, but no persons that are servants to the inhabitants without their Masters' leave, and neither them nor straglers till the fishing season is over, unless

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H.M. service require it. (2) That Capt. Lloyd and the Commodore jointly examine into the management of affairs in Newfoundland last winter, and transmit an account thereof upon oath to England, especially upon the following particulars :—(1) Why a Guard was not left at the North Battery to take care of the guns there. (2) How two or more barrells of powder and small armes came to be left in a house or shed by the North Battery, by which the enemy did the most damage. (3) Why a guard on watch was not kept there every night as was done last winter. (4) How it happened that 3 or 4 houses and the inhabitants thereof were left entire and standing with their goods, and all others destroyed. $1\frac{1}{4}$ pp. [C.O. 194, 3. Nos. 70, 70.i.; and 195, 4. pp. 27–29.]

July 7.
Poole.

1229. Mr. Phiphard to W. Popple, jr. In reply to letter of July 5. Two posts since I sent up our proposals relating to Newfoundland, etc. Signed, Will. Phiphard (Mayor of Poole). Endorsed, Reed. Read July 10, 1705. Addressed. $\frac{1}{2}$ p. [C.O. 194, 3. No. 71.]

July 8.
New York.

1230. Governor Lord Cornbury to the Council of Trade and Plantations. Since my letters of Feb. 19, which went by the way of Boston to H.M.S. *Advice*, I have not had any opportunity of writing to your Lordships till now (except one letter which I sent by the way of Antego), but now Col. Quary having informed me that his affairs called him into England, I make use of this good opportunity, etc. In my letter of Nov. 6, 1704, I gave your Lordships an account that on that day I had dissolved the Assembly of this Province, and that I intended to call another in March last, but having advised with the Councill, what would be the most seasonable time for them to sitt, they were all of opinion that the beginning of June would be the best time, upon which I issued writts for the electing of Representatives to serve in Generall Assembly, to meet on June 1 last, but the Members not coming at the day appointed, I was forced to adjourn the Assembly by Proclamation several times till June 11, at which time the greatest part of the Members being come, I sent for them and directed them to choose a Speaker, which they did, and presented him to me on the 14th, and having approved of him, I acquainted them what I thought necessary to be done this Sessions, a copy whereof I herewith send your Lordships, the Assembly is still sitting, for which reason I cannot send the Journall, because it is not perfect, but I think myself in duty to the Queen bound to acquaint you some of their proceedings, and first I must observe that in the Elections the people have generally chosen the same persons, and the Representatives have chosen the same Speaker, nevertheless I would not reject him because I was willing to let them see that I was not willing to retain any resentment of their ill-behaviour the two last Sessions, in hopes that they would have taken better methods then they

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did before, but it seems the Major Part of them came possesst with other minds, for having prepared a Bill to raise 1,700*l.* for the defence of the frontiers, they insisted (as they did the last Sessions) upon the nominating a Treasurer, and in their Bill, they make that Treasurer accountable to the Generall Assembly, and not to the Queen, which is directly contrary to my Instructions; when the Bill was sent up by the Assembly to the Councill, I took notice of these things and I shewed the Gentlemen of the Councill the 17th, 21st, and 23rd clauses of my Instructions [*quoted*]. Your Lordships will perceive by the (*enclosed copy of the*) Bill, that the Assembly have acted directly contrary to these three clauses, for in page i. of their Bill, it is enacted that the summ of 1,700*l.* shall be levied as therein directed, and for the uses therein mentioned, but it is not granted to the Queen, her heirs and successors, and in folio ii they appoint one Mr. Richard Willet to be Treasurer of New York (an Office not yet known); in folio iii they enact that the said Treasurer shall give security to the Queen by recognisance to be accountable to the Generall Assembly; folio xi (it is enacted that a certificate under the hand of the Collonel, Cheif Officer or Captain in the County or precinct where any man shall be detachd, and a certificate from the Mayor and Aldermen of the city of Albany or the major part of them shall be a sufficient warrant and authority to the Treasurer to pay the moneys by this Act to be levy'd etc.) soe that it will appear that in the first folio, they directly contradict the 17th clause of my Instructions, because they doe not grant to the Queen, her heirs and successors; in folio iii they doe a little more positively contradict the 21st clause of my Instructions, because they direct their pretended Treasurer shall give security to the Queen, to be accountable to the Assembly; which is noe lesse then to oblige a man to give security to the Queen, that H.M. commands shall not be obeyed, for the Queen is pleased to command that all moneys shall be made accountable for to herself, in England, etc., but it seems they think themselves wiser, and think it more proper that their pretended Treasurer should be accountable to them rather than to H.M. In folio xi they most positively contradict the 23rd clause of my Instructions, for they enact that a certificate from a Militia Officer, and another from the Mayor and Aldermen of the City of Albany shall be a sufficient discharge to their pretended Treasurer for the monyes he is to pay, whereas the Queen is pleased to command me, not to suffer any publick moneys whatsoever to be issued otherwise then by warrant under my hand, by and with the advice and consent of H.M. Councill (which I am sure I have hitherto punctually observed) but in this likewise they think themselves wiser then H.M., for they pretend to direct otherwise. Now my Lords, I must observe that they cannot plead ignorance, for they have been acquainted with these Instructions last Sessions, and the last Sessions but one, and it is a downright obstinacy, and a design to throw off the Authority of the Queen, if they can, or at least as much as they dare at once, and I think a pretty good guesse may be made of the temper and inclinations of the men, and what they would doe if they could, by the last

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clause in their Bill, folio xiv, in which they doe not only outlaw all persons without distinction who shall contravene their directions in that Bill, but they take it upon them to deprive H.M. of the power of pardoning, and not only of pardoning, but even of reprieving any of the persons who shall be guilty of a breach of their Act, for their words are these (And be it farther enacted by the authority aforesaid, that if any person or persons shall advise, frame, contrive or put in execution any commission, act, order, warrant or command whatsoever, for diverting or misaplying any of the money hereby to be raised and levied, to any other intent, use or purpose whatsoever, then to the uses, intents and purposes by this Act limited and appointed, he or they soe offending shall henceforth be disabled during life to sue or implead any person in any action, real or personall, or to make any gift, grant, conveyance or other disposition of any of his or their lands, tennements, hereditaments, goods or chattels, which he or they hath or have to his or their own use, either by Act executed in life, or by last will or otherwise, or to take any gift, conveyance or legacy to his or their own use, and be incapable of any ease or pardon from H.M., her heirs or successors of the penaltys and disabilitys aforementioned or any of them). This I confesse is a step farther then I thought they would have attempted to goe, I am satisfied there are some people here, that always have and always will fall out with their Governors, let them doe their duty never soe well, and that for noe other reason that I know of, but because they hate all manner of Government, but I did not think that they would have attackt the Prerogative soe barefacedly as they have now done, but I hope this will convince your Lordships of the necessity of regulating their methods of proceeding in the Generall Assemblys of these Provinces for the future ; I send the amendmments made by the Councill to the Bill and sent by them to the Assembly for their concurrence, and the copy of the message sent back with the Bill by the Assembly to the Councill, by which you will see that the Assembly insist upon it that the Councill shall not make any amendment to a money bill ; this is a new doctrine in this part of the world, and never attempted till the last Sessions but one and was then set up on purpose to hinder any money from being given, and yet to save their credit with the people, who would have been uneasy with them, if they had not taken care of the defence of the frontiers, but passing a money bill with such clauses in it, as they know I could not pass, was thought by them to be the best means to save their money and their credit with the people too ; I know very well that some of the factious people in the House have possessed the rest of the Members, that because the Commons of England will not suffer the Lords to make any amendmments to a money bill there, that therefore they, as Representatives of the people here, have the same Right, and that they ought not to suffer the Councill to make any amendmments to a money bill ; if this Doctrine is suffered to goe on, all that the Governour and Councill can doe, will be to hinder the Assembly from doing mischief, but wee shall not be able to doe

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the good wee could wish to doe, unlesse H.M. will be pleased to declare her pleasure upon this subject, which I will see punctually obey'd, and I believe that will be the shortest and the best way to put an end to this method of proceeding, and will convince much the greatest part of the House, that they have been misled and abused, by two or three turbulent men, who never were nor ever will be faithfull to the Queen nor true to their countrey, I mean, French, Coddington and Garton, the first has often declared that he liked noe Government at all, and the other two have been notorious for oposing at all times anything that the Gouvernors have proposed, and this long before my time. The Assembly is still sitting, and have already prepared severall Bills, and are preparing others, as soon as they are up, I will transmit to your Lordships such Bills as shall be past, and the Journall of their Proceedings by the first opportunity. This place suffers very much for want of a man-of-warr, there has been a French privatier upon this coast, he lay four days off of Sandy Hook, he had taken a Bermudas sloop, which was bound from this place to Jamaica, a few days before he came upon this coast, he had not been above 15 days out of Martinico. There is a briganteen and a sloop fitted out from Martinico to come upon this coast likewise, this I was informed of by the Master of the Bermudas sloop which was taken, whom the privatier had set on shore upon Sandy Hook. I acquainted the Gentlemen of H.M. Councill with the information I had, and asked their opinion if it would not be proper to fit out some vessells to endeavour either to take or drive away that privatier, who were all of opinion that it should be done, whereupon I ordered a ship of 10 guns, and two sloops, one of 4 gunns, the other of 8 gunns, I put on board these four vessells 350 men, who were all well armed, what with their own arms and such as we could furnish them with out of the few stores we have, they were victualed for 10 days, they cruised as farr as the Capes of De La Ware to the Westward, and as farr as Block Island to the Eastward, but they could not get sight of the privatier, soe they returned into this Port ; I am since informed by the Master of a brigantine that was bound from Jamaica to Virginia, that the privatier lay off the Capes of Virginia, and that he was taken by him, that he was four days a prisoner on board of the privatier, and that he took a prize every day while he was on board, I am likewise informed that since that, the *Strumbolo* went out of the Capes of Virginia in pursuit of the privatier, whom he fired severall guns at, and it is believed would have taken her, had it not fallen calm on a suddain, but it being soe, and the privatier having thrown his periago and his guns overboard, by the help of his oars got away ; soe I hope we shall not be troubled with him any more, and what is become of the other two I have not heard, but, however, this has put this Province to a very great charge, which would not be if a man of warr were here, and besides the trade of this place would be securer, I therefore earnestly intreat your Lordships to take such care that we may have a man of warr, if there is not one already appointed. I now send a particular account of how the stores have been

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disposed of since my coming into this Province, for I have never been able to get any account before, for when I demanded an account from the person who was storekeeper when I arrived here, whose name was Maddocks, he was formerly one of my Lord Bellomont's servants, and went into England with the Countesse of Bellomont, when I asked him for an account of the stores, he brought me an account of what remained in store at that time. I told him I must have an account of what stores he had delivered out, he said he could not doe that, for he had delivered them out by verball orders, and he did not think it necessary to keep any account in writing, soe I could get none from him; whereupon I made an order that noe stores should be delivered out, but by an order under my hand or, in my absence, under the hand of the Officer commanding in the Garrison, of which I have an account immediately at my return, by which means I am able to give an account of what has been disposed of in my time, and I shall continue the same care, therefore I hope your Lordships will be pleased to procure stores to be sent over before winter, else we shall be in a very poor condition, if the French should attempt anything upon our frontiers this winter, which is the season which they commonly choose for those expeditions. I must again renew my request that a Statute book may be sent hither, to remain in the Secretary's Office for the use of the Councill, I have one of my own, but it reaches noe lower then the 32nd of Charles II, and we are very often at a losse when the Lawyers in their pleadings quote any Acts since that time. I hope you will likewise please to endeavour that a New Great Seale may be sent hither for this Province, the old one is very much worn.

With respect to the Province of New Jersey very little new has happ'ned, since the account I gave you by H.M.S. *Advice*. In May I went to Burlington to meet the Assembly, according to adjournment, the Members of the Eastern Division came to Burlington, but the Members of the Western Division did not appear, except those who served for Burlington, soe I adjourned by Proclamation for a few days, in hopes the Members would come up, but they did not, the Members of the Eastern Division grew uneasy, and presented a Petition to me, to desire they might have leave to return to their country affairs, their attendance being to noe purpose since the Members of the Western Division did not attend, and farther prayed that the Assembly might be adjourned to some more seasonable time, this Petition being delivered to me, and being informed by very good hands that the reason why the Members of the Western Division (who are all Quakers, except one, did not attend) was because somebody had told them that if the Assembly did not meet, it was dissolved of course, and they had a mind to try a new Election, to see if they could not get some of their friends in for the Eastern Division, and having waited for them upwards of three weeks, and the time for the sitting of the Assembly of New York drawing near, I thought it proper to adjourn the Assembly of that Province to the month of October next, at which time I will not fail to attend my duty there, whether they will come or not I cannot tell,

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however, by the first opportunity that offers afterwards, I shall acquaint your Lordships with all matters that shall happen; In the mean time I intreat you that a Great Seal may be sent for that Province, there having been none yet, for want of which many things remain undone which should be done; I beg your Lordships' opinion and directions concerning the clause in my Instructions (You shall also propose unto the said Generall Assembly, and use your utmost endeavours with them, that an Act be passed for raising and settling a publick Revenue, for defraying the necessary charge of the Government, in which provision be perticularly made for a competent sallary for yourself as Captain Generall and Governour in Cheif, and to other our succeeding Captain Generalls, for supporting the dignity of the said Office, as likewise due provision for the respective Members of our Councill and Assembly, and of all other Officers necessary for the administration of that Government), whether H.M. is pleased that the Gentlemen of her Councill should have fixed sallarys, and if the Members of the Assembly should have sallarys out of the Revenue, and I have two reasons which move me to desire your opinion upon this matter; the first is because I am afraid it will be a means to induce the Gentlemen of H.M. Councill for the Province of New York to desire the same, whereas they have never yet had any such allowance. The other is because the Revenue will not answer it, as for the Members of Assembly in the Province of New York, the severall countys and boroughs pay their Representatives without burthening the Revenue with it, and with submission to your Lordships, I conceive it may be ordered the same way in New Jersey without any prejudice; however, I shall observe your directions. The Revenue is already raised for one year, according to the directions of the Act, and in the places where it falls the heaviest, it amounts to noe more then $2\frac{3}{4}d.$ in the pound, and that according to the vallue set upon the land in the Bill, which is 10*l.* for every 100 acres, whereas it is certain that land sells in New Jersey from 40*l.* to 60*l.* for 100 acres, soe that in truth the tax does not amount to more than $\frac{3}{4}d.$ in the pound of the reall vallue, which makes the people very easy. *Signed*, Cornbury. *P.S.*—It is upwards of seaven months since I have heard one syllable from England. *Endorsed*, Recd. 3rd, Read Dec. 5th, 1705. *Holograph.* 8 pp. *Enclosed*,

1230. i. Speech of Governor Lord Cornbury to the Assembly of New York, June 11, 1705. I am sorry the Queen's service in the neighbouring Province, and the ill weather wee have lately had have hindred me from meeting this Assembly so soon as I intended, however, I hope you will have time enough to dispatch such things as may be necessary, *etc.* I particularly recommend:—(1) that a summe may be provided sufficient to pay 100 fuzileers and 50 outscouts, with officers, to be sent to Albany and places adjacent, for the defence of the frontiers for one year, and likewise that provision may be made for their going up to and returning from

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Albany, and likewise for bedding for them while they are there ; this is of absolute necessity at this time, because I have recd. an account of a design of the Waghana Indians with several other Nations in amity with the French to attack our Five Nations, who if they see that wee are either not willing, or not able to support and defend them against their enemys, will the more easily be persuaded to goe over to the French, the ill consequences whereof are so well known, that I need not mention them to you, nor particulars of this news, because I had it from the Representatives for the County of Albany. (2) I recommend to your care the providing for the charges of the detachments sent up to Albany for the defence of the frontiers last fall, an acct. whereof shall be laid before you. (3) The Bill for settling the Militia, which was passed in 1702, is expired by its own limitation. I think 'tis very necessary that Act should be revised. (4) The difficultys which some very worthy Ministers of the Church of England have mett with in the getting the maintenance settled upon them by an Act of the Generall Assembly, 1693, moves me to propose to you the passing an Act explanatory thereof, that those worthy men may enjoy in quiet that maintenance which was by Law provided for them. (5) I further recommend the passing an Act to provide for the maintenance of some Ministers in some of the towns of the East End of Long Island, where I don't find any provision has yet been made for propagating Religion. (6) The next thing which does very highly deserve your serious thought, is the laying a duty upon all European goods imported with this Colony from any of the neighbouring Provinces, whereas now these goods pay no greater duty's then those which come directly from England ; I did recommend this matter to the last Assembly, and I am afraid the not doeing of it at that time has been a considerable prejudice to the Trade of this Province, and I am perswaded that unless effectuell care be now taken in that matter, the trade of this place will not only become precarious, but our Navigation will be entirely ruined ; I am of opinion it would be very proper to lay a duty upon all rum and other spiritts imported from any place w'tsoever, except England, and H.M. Islands in the West Indies. I earnestly recommend the preparing such a Bill. (7) I further reconmend to your consideration, whether the passing an Act to discourage the exportation of corn and to encourage the exportation of flower from this Province, would not be of good advantage to Trade. (8) I observe that during the late warr, at a time when much greater sums were given for the defence of the frontiers then have ever been demanded since the beginning of this, the Assembly's

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thought fitt to grant severall sums of money towards the discharging the debts of the Province, whether it is not as reasonable to take the same methods now, to discharge the debts which were contracted before my coming to this Governmt., I leave to your considerations; onely I think it a duty incumbent on me to putt you in mind of it, that the people to whom these debts are due may not think themselves neglected. (9) It will be necessary to pass an Act to prevent the clipping and defacing the foreign coin, which has currency here; and another for the more effectual suppressing of scandalous houses and Bawdy houses, and to prevent scandalous women from coming from the neighbouring Provinces to live in this; and another to punish Negroes, Indians and Molatto slaves, and to prevent their running away from their masters. (10) H.M. has been pleased to order that for the future no Governor, Lt.-Governor or Commander-in-Chief of this Province shall receive any gift or present from the country, which order you will find entred in your journalls; all the return the Queen expects for easing you from the burthen of those presents is, that you contribute more freely to the defence of the country, *etc.* *Endorsed*, Recd. 3rd, Read Dec. 6th, 1705. *Copy.* 2 $\frac{3}{4}$ pp.

1230. ii. Copy of a Bill for levying and collecting 1,700*l.* for the defence of the Province of New York. July 3, 1705. Referred to in above letter. *Endorsed as preceding.* 8 pp.
1230. iii. Copy of Amendments made by the Council of New York to *preceding.* Same endorsement. 2 $\frac{3}{4}$ pp.
1230. iv. Copy of Reply of the Assembly to *preceding.* July 14, 1705. "It is inconvenient for this house to admitt of any amendment made by the Council to a Money Bill." Same endorsement. 1 p.
1230. v. Account of Ordnance Stores expended in New York, May, 1702—Feb. 16, 170 $\frac{1}{2}$. Attested by Lord Cornbury. Same endorsement. 1 large p. [*C.O.* 5, 1048. Nos. 121, 121.i.-v.; and (without enclosures), 5, 1120. pp. 350-376.]

July 9.
Windsor.

1231. Order of Queen in Council. Approving reports (May 12, 24) upon Mr. Clifford's case. Mr. Secretary Harley is to lay the same before H.M. at a convenient time for H.M. further pleasure. *Signed*, John Povey. *Endorsed*, Recd. Read July 20, 1705. 1 $\frac{1}{2}$ pp. [*C.O.* 388, 75. No. 129; and 389, 36. pp. 304, 305.]

July 9.
Windsor.

1232. Order of Queen in Council. Approving Representation of July 6th. Mr. Secretary Hedges to prepare a warrant for confirming Messrs. Mompesson, Barbarie and Philips Members of Council of New York. *Signed*, John Povey. *Endorsed*, Recd.

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Read July 20, 1705. $1\frac{1}{4}$ pp. [C.O. 5, 1048. No. 122; and 5, 1120. pp. 335, 336.]

July 9.
Windsor.

1233. Order of Queen in Council. Instructions to Governor Parke in the case of the *America* belonging to Samuel Baron, who claims damages from Col. Codrington. [See *Acts of Privy Council*, II. pp. 378, 379.] Signed, John Povey. Endorsed, Recd. Read April 2, 1706. 6 pp. [C.O. 152, 6. No. 35; and 153, 9. pp. 301-307.]

July 10.
Bristol.

1234. N. Byfield to [? Sir C. Hedges]. Repeats the case of the *Charles* prize. Signed, Nathl. Byfield. Endorsed, R. Nov. 2. 3 pp. Enclosed,

1234. i. Copies of Petition of Col. Paige, etc. to Governor Dudley, Boston, June 23, 1705; Governor Dudley to N. Byfield, June 25, 1705; John Colman to Governor Dudley, June 17; Governor Cranston to N. Byfield, June 16; and Minute of Assembly of Rhode Island, June 19, 1705; the Governor has the power to grant commissions to privateers, etc. [See Nos. 1274. ff.] 4 pp. [C.O. 5, 751. Nos. 67, 67.i.; and (duplicates), 68, 68.i.; 69, 69.i.; 70.]

July 10.
Crotchett
Fryers.

1235. Mr. Merrett to Mr. Popple. Encloses following, etc. Signed, Solomon Merrett. Endorsed, Recd. Read July 11, 1705. Addressed. $\frac{1}{2}$ p. Enclosed,

1235. i. Some Interrogatories to be put to John Stevens aboard the *Friendship* sloop. 17 questions as to what he heard in Newfoundland. Cf. Merrett's queries, No. 1243.i. 2 pp. [C.O. 194, 3. Nos. 72, 72.i.]

July 11.

1236. Memorial of Peter Dyer. A long time prisoner with about 200 others in the Spanish West Indies, I purchased my escape, and was entrusted to make known their sufferings. Some of them have perished with their heads in the stocks, others with irons on their legs, others by stripes, others smothered, others for want, and others with cold blood, 3, 4 and 5 days after fair quarter given. The survivors continue in miserable bondage, some put aboard their ships of war, others sent to the mines, others to build their forts, castles or churches, others to work in the mint, etc., having no allowance but what they work for like slaves, etc. Signed, Petter Dyer. Endorsed, Recd. 25th, Read Aug. 28th, 1705. 1 p. Enclosed,

1236. i. Petition of English prisoners of war to the Queen. Pray that the Governor of Jamaica may have directions to exchange them, etc. 93 signatures. 2 pp. [C.O. 137, 7. Nos. 8, 8.i.]

July 11.
Bristol.

1237. Mr. Whitechurch to W. Popple, jr. In reply to July 5, the memorial of Bristol Merchants [July 17] goes up to night, etc. Signed, Fra. Whitechurch, Mayor. Endorsed, Recd. Read July 17, 1705. Addressed. Sealed. $\frac{1}{2}$ p. [C.O. 194, 3. No. 75.]

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July 12.
Whitehall.

1238. Mr. Secretary Hedges to Lt.-Gov. Johnson. Yours of March 22 is but this day come to my hands, which I shall take the first opportunity of laying before the Queen, and hope to send you an answer by the next Pacquet Boat. *Encloses* duplicates of letters to Sir. Wm. Mathew, the Postmaster Genl. having informed me that the boat they were sent by was lost, etc. [C.O. 324, 30. p. 31.]

July 12.
Whitehall.

1239. Mr. Secretary Hedges to Governor Handasyd. *Encloses* duplicates, the packet boat having been lost *as above*. [C.O. 324, 30. p. 32.]

July 12.
Whitehall.

1240. W. Popple, jr., to Mr. Lowndes. *Desires* 40 copies of the *Act to encourage the trade to Newfoundland*, for distribution there. [C.O. 195, 4. p. 30.]

July 13.
Whitehall.

1241. Council of Trade and Plantations to Mr. Secretary Hedges. In reply to letter of July 4. We are humbly of opinion that as to the Magistrates proposed, the late *Act for encouraging the Newfoundland trade* does so regulate the Fishery as not to intend or allow any other Civill Government there than by the Fishing Admirals and the Commodore of the Convoy for deciding of all differences and abuses that may happen in Newfoundland, nor doe we find how in that desolate country there can be found a sufficient number capable of discharging those offices, or that those Civill Magistrates can secure the country against the French. But as to the establishing of a Militia, we are humbly of opinion that H.M. by her Royal Declaration to be published by the Commodore do impower him to constitute such and so many Militia officers in the Harbours there as he shall find most conducing to H.M. service and the security of the Fishery, who are to enlist the inhabitants of their respective Harbours, and discipline them in the best manner they can, and to appoint a constant watch to be kept during the winter season, to prevent as much as may be any surprizes from ye enemy, and we enclose the draught of a Declaration for H.M. signature.

And whereas the Merchants concerned insist that 1,000 firearms be sent over, to be disposed of by the Commodore, amongst the principal inhabitants, we have nothing to object provided he take the best security he can from them that such arms be well kept, repaired, and replaced upon the loss of any of them, and that it be declared to be penal to pawn, bartar or sell them, or to take the same in pawn, sale or barter, and that such as shall not be thus disposed of, be deposited in H.M. Fort there. We are also of opinion that there be no exemption of the inhabitants from pressing to serve H.M. ships as proposed, for that the men going and coming to and from Newfoundland with the fishing ships from England would conceive it too great a hardship and discouragement to them to be solely exposed to the Press, and that it would occasion too great a resort of vagabonds and runaways to Newfoundland by debauching of the Fishermen and inducing them to turn Planters, which wee judge would be detrimental to

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the Western Fishery, and leave the Country nevertheless exposed to the winter incursions and inroads of the enemy, which it always will be by reason of the great distance of the severall Harbours and habitations as long as Placentia shall remain in the hands of the French, all other expedient being, as we humbly conceive, ineffectual. As to the hindring the inhabitants from going to New England, the Commodores have always had Instructions, as the Commodore for this year likewise has, to prevent it as much as in him lies, the aforesaid Act of Parliament having made no provision in this case. And whereas the French in their late Ineursion have carryed several of the Inhabitants from St. John's, *etc.* to Placentia, we humbly offer that the Commissioner for the Exchange of Prisoners may have directions to demand an exchange of the said men and particularly Mr. John Roope, who was sent over by H.M. to fix a chain and boom at the entrance of St. John's Harbour, which, as we are informed by the Commodore, he has brought to good perfection, so that the French were not able to destroy the same, but lost severall men in the attempt. We concur with the proposal that the officers of the garrison be strictly prohibited from trading, for that they will thereby have opportunities of engrossing the Trade to themselves and forestalling the market, to the great discouragement of the merchants and Western Fishermen. We humbly offer that the Prize Officer settled there be for the same reasons prohibited to trade, otherwise than according to such Instructions as he shall receive from the Commissioners of Prizes here for the disposal of prizes *etc.*

In obedience to letter of July 6 *enclose following Instruction.* As to empowering Capt. Lloyd to inlist straglers *etc.*, a power of so great a latitude is liable to great abuse, and will very much terrify the Fishermen, By-boat keepers and Planters, we therefore offer that for keeping the Company the more compleat, none of the soldiers now going there be discharged either here or there without the particular leave of H.M. or her General, and that Capt. Lloyd do not inlist straglers at Newfoundland (as we have heretofore several times humbly represented both in relation to Newfoundland and other H.M. Plantations) for that such people as he may inlist there are always apt to desert, and are unfit for service, besides that though they be not inlisted they will be no less obliged upon an invasion to fight under the discipline now to be settled there, so that by this proposition of inlisting men we are of opinion that there will be no additional strength to Newfoundland, and we do find that by the last muster rolls there were no more than six men wanting in the whole Company, consisting of 4 score private soldiers. We have sent to the principal towns in the West for their opinion relating to the Fishery *etc.* *Annexed,*

1241. i. Draught of Instruction to the Commander-in-Chief of this year's Convoy to Newfoundland, and to Capt. Lloyd. With the assistance of such of the fishing Admirals and Commanders of our ships of war as may be at hand, you are to enquire into the affair of last

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winter *etc.* as July 6. You are likewise to doe all that in you lies to perswade and encourage the inhabitants of St. Johns, or such as shall come to fish there, to build storckhouses for the materials requisite for the Fishery within the reach of the guns and protection of the Fort. You are not to do anything that may anyways contradict or interfere with the Act to encourage the *Trade to Newfoundland.*

1241. ii. Draught of H.M. Instruction to the Commodore at Newfoundland to constitute a Militia in the several Harbours *etc.*, and to appoint officers, *etc.* The Commander of the garrison is hereby required to aid and assist them, as they him. [*C.O.* 195, 4. pp. 31-45; and (*Representation only, with autograph signatures*), 194, 22. No. 39; and (*extract relating to fire-arms*), 194, 22. No. 40.]

[July 13.] **1242.** Affidavit of R. Sampson. When the French surprised St. John's, they destroyed all the houses in the harbour except those of Richard Coles, or Colesworthy, James Benger, John Rallins, Capt. Stuckley's house, which belongs to Richard Cole, and Thomas Greasley. The French left Mr. Campbell's house, his brass, pewter, cloaths, beds and laced coat, several barrels of flower and all his papers. Tallick, formerly a poor man, by other people's goods left him by the French is much enriched and now keeps a boat. The enemy inquired of the houses, whose they were. Mr. Campbell went several times to the Fort with a flag of truce, deponent heard, and with a French officer with a flag of truce to the South Battery, his business being to get Mr. Robert Latham, who commanded in it, to come and discourse Capt. Moody in the Fort, and there was an ambuscade of Indians laid to kill Latham. But Latham not coming out, Deponent heard Mr. Campbell say as he returned an Indian on the stage-head as he landed would have killed him, had not the French Officer prevented him, and that it was the common report that the Indians took him for Latham. Lt. Moody furnished the poor inhabitants' wives and children in the Fort with provisions out of the Queen's stores without any price made, and afterwards sent to inform them they were indebted to him in their respective sums, which he expected to be paid in money. Deponent was demanded 2*l.* 8*s.* 0*d.* for 26*lb.* of bread, 28*lb.* of flour, 1 gall. of pease, 1 gall. of oatmeal, and about 12*lb.* of beef. Several paid him that had money after that extravagant rate. The inhabitants esteemed themselves indebted to Mr. Moody after his rate about £400. When the French had left, the souldiers took what remained in the inhabitants' houses, whom they forced to pay extravagant rates for their owne goods. Mr. Ellis Hoare followed a soldier who had taken a net from his house and complained to Mr. Moody, who made the soldier return his net, but did not punish him. In the meane time other soldiers took what goods he had remaining. One Griffith, a housekeeper, had a barrel of beef taken by a soldier, who when he spoke threatened to shoot him. Lt. Moody, on

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some words with Mr. Roope, threatened to make him ride the wooden horse, which occasioned an enmity between them. Deponent saw him the day before he was carried away, and he had tears in his eyes and told him he feared the French would send him to France *etc.* Deponent saw a letter Mr. Campbell writ to Mr. Waine that he wondered he would make any affidavit of the affairs of Newfoundland without his order *etc.* Deponent lost at St. Johns about 120*l.* damage. The flag at the Fort was not hoisted till an hour after day, although the harbour was surprised an hour before day (Sunday), and then two guns was fired, the rest, as the soldiers informed deponent, being covered with snow, which fell the Friday before. In December one Christian, a maid to Mr. Jackson, the Minister, falling out with his daughter, who calling the maid whore, was answered with the same language, and being asked whose, the maid replied Capt. Moody's, for which a short time after she was fastened to a gun and whip'd, and afterwards cold water flung on her, and died in a few days after. Deponent helped to sail the *Friendship* sloop for Mr. Campbell for which he is to have 25*l.* from him, *etc.* *Signed.* Richard Sampson. *Endorsed,* Recd. Read July 13, 1705. 1 large p. [*C.O.* 194, 3. No. 74.]

July 13.
Crotchett
Fryers.

1243. Mr. Merrett to Mr. Popple. *Enclosing following.* *Signed,* Solomon Merrett. *Endorsed,* Recd. Read July 13, 1705. $\frac{1}{2}$ p.

1243. i. S. Merrett to the Council of Trade and Plantations. In obedience to your commands I herewith offer some proposed Heads of Instructions to Capt. Lloyd. (1-2) That he take affidavits as to correspondence with the French, their late devastations in Newfoundland, why some houses were left standing and no guard kept. (3) How Phillip Tollett, whose circumstances were very low, is now able to fit fishing boats to sea, the charge of which is almost 70*l.* per boat. (4) That inquiry be made of the whipping of the Minister's maid, and the occasion of her sudden death. (5) How powder and arms came to be left without the Fort, *etc.*, and about the provisions sold the poor women and children who were in the Fort while the French remained. (6) Whether the soldiers, after the French were gone, took the inhabitants' goods and sold them to them at their own prices: particularly how Ellis Hoare and Old Griffith was used by them. (7) Whether John Roope went voluntarily with the French. (8) What guard was kept at the Fort? (9) Capt. Lloyd to have strict orders not to hinder the inhabitants during the fishing season; afterwards to instruct them in arms, *etc.*, *etc.* *Signed,* Solomon Merrett. 1 $\frac{1}{2}$ pp. [*C.O.* 194, 3. Nos. 73, 73.i.]

July 13.
Whitehall.

1244. Mr. Secretary Hedges to Governor Lord Cornbury. The petition of Richard Budge being brought before the Queen and Council, it was pressed that the judgement upon the Appeal should be put in execution according to the ordinary

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course of Law, but in regard to your Lordship it was thought more proper, in the first place to take the report of H.M. Advocate and Surrogate of the Admiralty and to transmitt the same to your Lordship, which I now doe by H.M. command, that you may find some way to satisfy the Petitioner without further trouble or proceeding in the method that Law requires, and this I must needs say in my opinion is highly for your Lordship's service, and interest, and what part I have in that matter is really to do your Lordship all the service I can. *Signed*, C. Hedges. [C.O. 324, 30. pp. 32, 33.]

July 13.
Barnstaple.

1245. Merchants and Shipmasters of Barnstaple to the Council of Trade and Plantations. In reply to July 5. *Approve* the memorial of the Merchants of London concerning Newfoundland. *Propose* that Ferryland Harbour be fortified, and that the ancient custom, that first ship that arrives in each harbour is Admiral and has the sole government thereof and of the Fishery during his stay, be continued. *Enclose* copy of their Memorial, 1702. 17 signatures. *Endorsed*, Reed. Read July 18, 1705. 2 large pp. [C.O. 194, 3. No. 76; and (abstract only), 195, 4. p. 51.]

July 13 (?).
Bydeford.

1246. Merchants of Biddeford to the Council of Trade and Plantations. *Approve* the Memorial of London Merchants. But seeing the harbours of Newfoundland are so far distant from each other, and so thinly peopled, the yearly choosing of one chief Magistrate and Constable will be of little import. *Signed*, Geo. Strange, Mayor, and 8 others. *Endorsed as preceding*. *Addressed*. 1 p. [C.O. 194, 3. No. 79; and 195, 4. pp. 49, 50.]

July 14.
Whitehall.

1247. Sir Robert Harley to the Governor of Virginia. The *Elizabeth*, of Liverpool, is granted leave to sail from Virginia without convoy. *Signed*, Ro. Harley. [C.O. 324, 30. pp. 33, 34.]

July 14.

1248. Copy of Minute of Assembly [? of New York]. *Duplicate* of No. 1230.iv. $\frac{3}{4}$ p. [C.O. 318, 3. No. 23.]

July 15.

1249. H. Greenhill to W. Popple, junr. In reply to July 11. Stevens has gone to Poole, etc. *Signed*, Henry Greenhill. *Endorsed*, Reed. Read July 19, 1705. *Addressed*. $\frac{3}{4}$ p. [C.O. 194, 3. No. 77; and 195, 4. p. 52.]

July 15.
New York.

1250. Governor Lord Cornbury to Sir Charles Hedges. Since mine of Feb. 28, 170 $\frac{1}{2}$, in which I promised you an account of the two Provinces under my care, I have had noe opportunity of writing till now, that Col. Quary has informed me that his affairs require his going into England. He is as able to give you a true account of all the parts of this vast Continent, as any subject the Queen has. *Recounts history of New York since 1702*. We yet want recruits, swords, and all manner of stores of warr. I found the Fort here much out of repair and the Province much

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in debt, and I am afraid it will continue soe a great while, unlesse H.M. will please to give something towards the clearing of that debt. The Trade of this Province consists chiefly in flower and Biskett, which is sent to the Islands in the West Indies, in return they bring rum, sugar, molasses and sometimes pieces of eight, and cacao and logwood; to Europe our people send skins of all sorts, whale oyle, and bone; which are the only commoditys this country sends to Europe, of it's own produce as yet, but if they were encouraged, the people of this Province would be able to suply England with all manner of Navall Stores in abundance of all sorts, and very good in their kinds; I am very sensible that a project which my Lord Bellomont had set on foot to suply the Navy with masts and timber has been a prejudice to this Province, because his Lordship thought fit to imploy unskilfull people to cut the Masts at the charge of the Crown, soe the charge was greater much then the service; but if the Queen is pleased to direct whoever has the honour to serve her as Governor of this Province to contract with people here for masts and timber at certain rates according to the severall seantlings (an estimate whereof I sent to the Lords of Trade, 1702) then the Queen would be well served, for the persons contracted with must deliver at New York everything in its kind good, *etc.* By encouragement to supply Navall Stores, I mean, if the people had a certain sure market for their produce, for as the case now stands they aply their land to corn of all sorts, but chiefly wheat, because they have a certain market for that in the Islands, but if they had a sure market for hemp and flax in England, they would greedily fall to the planting of hemp and flax, because they want commoditys to make returns to England for the goods they take from thence, besides, if part of their lands were employed to those uses, their corn would fetch a better price, besides the want of wherewithall to make returns for England sets men's witts at work, and that has put them upon a trade which I am sure will hurt England in a little time, for I am well informed that upon Long Island and in Connecticut they are setting up a woollen manufacture, and I myself have seen serge made upon Long Island that any man may wear; now if they begin to make serge, they will in time make course cloth and then fine. We have as good fullers earth and tobacco pipe clay in the Province as any in the world, how far this will be for the service of England, I submit to better judgments; but, however, I hope I may be pardoned, if I declare my opinion to be that all these Colloneys, which are but twigs belonging to the main Tree (England) ought to be kept intirely dependent upon and subservient to England, and that can never be if they are suffered to goe on in the notions they have, that as they are Englishmen, soe they may set up the same manufactures here as people may doe in England, for the consequence will be that, if once they see they can cloath themselves, not only comfortably, but handsomely too without the help of England, they who are already not very fond of submitting to Government, would soon think of putting in execution designs they had long harboured in their breasts, this will not seem strange when you

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consider what sort of people this country is inhabited by. *Sketches history of Dutch occupation, etc., Bellomont's encouragement of the Dutch, and his own administration ; and repeats account of the recent Assembly as in letter of July 8, etc., and argues as elsewhere that* "the people here have noe claim of right to Generall Assemblys . . ." There are some very good men among us, but the inhabitants are of three Nations, English, Dutch and French ; the Dutch are very much the most numerous, and these are not Dutche by Nation only, but by Inclination, at least generally speaking, which appears here every day, the French have during the disorders which have hapned here formerly always espoused the interest of the English ; among the English in this City there are a great many good men, but in the country, especially in Long Island, most of the English are Dissenters, being for the most part people who have removed from New England and Connecticut, who are in noe wise fond of Monarchy, soe that they naturally incline to inroach as often as they can upon the Prerogative, soe it is noe wonder if they are willing to extend the power of their Assemblys as far as they can, how farr it will be for the interest of the Crown to suffer them to doe it, I submit to your better judgment. *Sketches history of New Jersey.* There is a Church erected at Burlington, which I have named St. Ann's Church, and notwithstanding that Burlington is the chief habitation of the Quakers, I have seen a Congregation of above 300 people at Church there, *etc.* There have for some years past been great disputes between those persons here who call themselves Proprietors, and the people, by reason whereof there has been noe administration of Justice for at least two or three years before the Government was surrendered to the Queen, but now I hope a little time will quiet all those disputes. The last Assembly settled a Revenue for two years of 2,000*l.* a year, *etc.* P.S.—I have not had one line from England above these seven months. *Signed, Cornbury. Endorsed, R. Dec. 3. Holograph. 9 closely written pp. Enclosed,*

1250. i., ii. Duplicates of No. 1230.i.

1250. iii. Duplicate of No. 1230.ii.

1250. iv. Copy of Journal of Assembly of New York, June 7—Aug. 4, 1705. 40 pp.

1250. v. Duplicate of No. 1230.iv. [*C.O.* 5, 1084. Nos. 28, 28.i.-v. ; and (*duplicate of letter*) 27.]

July 16.
Barbados.

1251. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges* letter of May 30. I shall transmit the old seal broken by the next conveniency. I had also a duplicate relating to Sir John Colleton. There has been no delays given to Sir John's law suit since my being here that I know of : at my arrival I did not only strictly observe my additional Instruction, but exceeded it by removing Mr. Colleton from being Chief Judge of the Court of Common Pleas : nor Mr. Colleton, nor any other Member of the Council, has ever sat as Judge or at the Council table upon any matter wherein they were concern'd in interest. The fleet from England arrived the 7th inst., and

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that from hence wil sail the beginning of Sept. With this your Lordships will receive Minutes of Council and Assembly, and also the *following enclosures*. Mr. Chilton, the Queen's Attorney, was convicted of very great crimes, and for which I have by the the advice of the Council suspended him : Til H.M. signifies her pleasure, I have made Wm. Rawlins Attorney General, he is an ancient practiser of the Law, has long bin Sollicitor General very well qualify'd and very well deserving the place. *Signed*, Bevill Granville. *Endorsed*, Reed. 2nd, Read Oct. 31st, 1705. *Holograph. 4 pp. Enclosed.*

1251. i. (a) Proceedings at a Court of Oyer and Terminer held for Barbados, June 4-15, 1705, at the house of Edward Arnell, decd., on Egginton's Green in St. Michael's Town. Present, William Sharpe, Chief Justice, Saml. Cox, John Mills, James Colleton, Councillors. Jurors :—William Holder, Edward Burke, Alexander Wallker, Christopher Warren, Richard Brewster, Charles Buckworth, Alexander Skeene, Joseph Sallmon, John Merring, John Sandford, Thomas Beckley, Thomas Afflick, Thomas Prideaux, Dudley Woodbridge, George Harper, Robt. Waite, Robt. Stillingfleet, Giles Theyer, Thomas Rawlins, Robt. Vaughan, Othniel Haggar, Francis Bond, Middleton Chamberlaine, Edmond Sutton, William Leslie, Richard Harwood, William Davies, Hugh Hall, John Dorne, Charles Eggerton, John Rushworth, John Vaughan, James Graham, Edward Skeet. *Abstract of proceedings : Indictment read against George Lillington for faction, and reflecting on the Governor, and wishing his death.* Lillington requiring in Court that Thomas Hodges might be his Council, it was granted. Hodges was refused a copy of the Commission, but granted a copy of the Indictment ; he demanded time till next morning to plead to the same, but was ordered to plead at 3 p.m. Lillington made no exception to the Jury. Leslye upon oath proved the fact. Hodges endeavouring to blacken him was silenced thereon, but liberty was given to all the evidence to invalidate what Lesly had alledged. Lillington's Council had liberty to examine 12 witnesses singly, none of which could say anything against Lesly's testimony, but that Lillington had often drank the Governor's health. Richard Downes, an evidence for Lillington, confessed that Lillington had said he believed ye Governor's poverty forced him to take ill measures. Lesly denied on oath that he had been Lillington's servant and by him delivered out of prison in England, and swore that what he did was purely to serve H.M. Lillington's Council excepted against Lesly's evidence etc., but was overruled, the Court saying that such persons who discovered anything against the State were worthy of encouragement. Lesly upon oath declared that he apprehended Lillington designed to hire him to shoot the Governor. Downes declared Lesly had promised

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to shoot Col. Holder, if he and Lillington and one Benja. Hawkins would stand by him. Counsell for the Queen said that his having tendered his service in one ill design was the reason which encouraged Lillington to endeavour to engage him in one of a more villainous nature; and that Lillington and Downes entertaining Lesly with intimacy and in their families after such his offers, was a sign they approved of his designs. The Jury brought in a verdict of Guilty. Upon which Lillington's Council offered reasons in writing for an arrest of judgment, which were refused, *etc.* *Sentence. With abstract. 12 pp.*

(b) June 14. The Grand Jury delivered in an Indictment against Edward Chilton, Attorney, for seditiously uttering these scandalous words against the Governor, on Sept. 10, 1704, *etc.*: "These Governours take themselves to be Grand Bassa's, and that this one might come to be Nanfann'd" (treated like Capt. Nanfan of New York). Thomas Hodges, Counsel for prisoner, offered a paper to the Court, which he called a plea to the jurisdiction of the Court, which was rejected, by 24 votes to 7, as frivolous, tricking, uncertaine, double and complicate, being at once a seeming Demurrer to the indictment, and at the same time to avoid the ill consequences of a demurrer (matter of fact being confessed by demurring). He then presented a challenge to the array, for that the Venire was not returned by the Sherif as in England. The Queen's Counsel answered that the Act of this Island had appointed all returns of juries in these cases to be made by the Members of Council, and if none such in a parish, then by some chief Magistrate, *etc.*, *etc.* The Court overruled the challenge. A jury was empanelled, and Arthur Slingsby swore to the fact charged. Prisoner acknowledged he had spoke the words. He was found guilty. Prisoner's counsel moved, in arrest of judgment, that he had no addition of County, which the Court, upon inspecting the indictment finding to be false, (of Barbados), which is the only County here, being in the said indictment, overruled, and adjourned June 15. The Grand Jury delivered in the Indictment against Edward Chilton for betraying the Queen's secrets contrary to his oath as Councillor and Attorney General, and endeavouring to stifle the Queen's evidence (Lesly) against George Lillington. After having advised on the case of Thomas Maycock and Wm. Terrill, and been present in Council when it was decided to take them into custody, he did (Sept. 15, 1704), maliciously, cunningly, craftily, falsely and seditiously and in elusion of H.M. Justice, advise them to abscond. He pleaded guilty and submitted to the Court. Fined 25*l.* and 50*l.* and committed to custody till he enter into recognizances in 200*l.* and two sureties of 100*l.* each to be of the peace, *etc.* 8 *pp.*

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(c) Thomas Leslie pleaded not guilty to the charge of murdering Samuel Rushworth. Verdict of misadventure, Rushworth being wounded as Leslie was handing a pistol to James Fontleroy. Anthony Burton acquitted of charge of murdering John Thompson.

June 13-15. True Bills were found against John Usher, Alexander Dunbar, John Gale, John Smith, Ann Laycome, John Combes, for publishing false reports against the Government contrary to the statute of 3 Edward I, whilst Miles James, John Gittens, Francis Blackard, Richd. Dowell, Robt. Richards, and Isabella Headstow were acquitted. True Bills returned against Rose Gollaher for theft and William Arnell for perjury.

Charles Cleaver pleading guilty to seditious and scandalous words against the Queen, the Court considering that he had hitherto behaved as a loyal subject, and was very poor, fined him 9*l.*, payment to be stayed until H.E. pleasure be known.

Elizabeth Mallony, *alias* Horner, a single woman, was condemned to be hanged for the murder of her bastard child, sentence to be reprieved till she shall be delivered of her expected child.

The Grand Jury presented a loyal Address to the Queen, expressing their unanimous appreciation of Governor Sir B. Granville, and hoping that the false complaints against him by a set of vicious men will serve to make his injured innocence shine *etc.* *Signed*, Samll. Maverick, Richd. Haslewood, Tho. Shaw, Wm. Godman, John Thorne, James Aris, Jacob Luke, Wm. Clancy, Wm. Allamby, Jno. Whetstone, Simon Lambert, Elisha Holder, Wm. Grant, Danl. Hooper, Peter Mascoll, Robt. Lettice Hooper, Charles Tirrwhite. Also, an Address to the Governor, returning "heartly thanks for the continued series of blessings which we have reaped under your most auspicious Government," after a period of great calamity, *etc.* And as it is our inexpressible grief that detestable and villainous designs have been basely carried on by some amongst us against H.M. authority and your Excellency's precious life, so it is great satisfaction that some of the wicked contrivers who were providentially discovered have been brought to justice *etc.* Also an Address to William Sharpe, C.J.

Presentments of the Grand Jury. (1) Nothing has been more prejudicial and will continue so to be to this Island then the unhappy want of good Schools and a sufficient number of learned men for the education of youth, by which means we are destitute of men of learning *etc.* *Pray* the Legislative power to pass an Act to settle an annuity in every parish for teachers to instruct the poor gratis, this with the other advantages from those who are able to pay for their children's schooling, will be a very comfortable living and doubtless

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encourage severall well-bred men to come hither from England *etc.* (2) That the Act about the Highways may be well considered, all of which, more especially those in the parish of St. Michael's, being at this time impassable and dangerous upon the least raines, the severall penalties of the Law now in force may be put in execution against all the offending officers appointed by the said Law to take care thereof. (3) That the great inconveniences attending the want of the Great Bridge leading into the country and towards the Bay may be taken into consideration, *etc.*, and that it be speedily rebuilt, and all the other smaller bridges in and near the town repaired, which are at this time in a ruinous and shattered condition. (4) That the beastliness and filthiness of the streets of St. Michael's is such an annoyance to the inhabitants, that they are thereby rendered unhealthy as well as uneasy, *etc.* (5) That the water courses and common shoares are so stopt up that unless they are cleared, the Town must upon every great rain be overflowed, also made liable to floods and stagnating waters by means of the alleys and lanes leading to the water side, which are built higher then the streets and without draines. (6) That the severall decayed buildings in the said Town seem to be very dangerous. (7) That some speedy care may be taken for the watches appointed for the security of the Town, and that the Constables may have full power to compel the persons belonging to their severall watches to the performance of their duty. (8) That the briggantine and sloop be ordered out for securing our coast, and that constant care may be taken for their not lying in the harbour. (9) That care may be taken about erecting a mould and making a safe harbour for ships, and that the wharfs may be all cleared and made navigable that boats may come into them. (10) That the Law obliging all owners of boats *etc.* to secure them in some convenient place, to prevent our enemies and others from running of this Island, may be vigorously executed, *etc.*, *etc.*

Address of the Chief Justice. (*d*) Certificate that above is a true copy. *Signed*, Bevill Granville. 12 pp. [*C.O.* 28, 9. Nos. 18, 18.i. ; and (*without enclosures*) 29, 9. pp. 406-408.]

July 17. **1252.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. *Enclose* accounts of incidental expenses of the office, Michaelmas, 1704—Midsummer, 1705 (22*l.* 4*s.* 3*d.*), and pray for the payment of these, and those of the preceding quarter. [*C.O.* 388, 75. Nos. 128, 128.i.-viii. ; and 389, 36. pp. 299-304.]

July 17. **1253.** W. Popple, jr., to Paul Docminique. The Council of
Whitehall. Trade and Plantations desire your answer [July 6] as soon as possibly you can. [*C.O.* 5, 99*A.* p. 229.]

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July 17.
Whitehall.

1254. W. Popple, jr., to Mr. Burchett. *Desires* that Richard Sampson may have a passage to Newfoundland on board a man of war. [C.O. 195, 4. pp. 46, 47.]

July 17.
Admiralty
Office.

1255. Mr. Burchett to Mr. Popple, jr. *Encloses following.* Signed, J. Burchett. *Endorsed*, Reed. Read July 18, 1705. Addressed. *Sealed.* 1 p. *Enclosed*,

1255. i. Mr. Burchett to Capt. Partington. H.M.S. *Anglesea*. Order to carry Mr. Sampson to Newfoundland. July 17. Signed, J. Burchett. 1 p. [C.O. 194, 3. Nos. 78, 78.i.; and 195, 4. pp. 48, 49.]

[July 17.]

1256. Merchants of Bristol to the Council of Trade and Plantations. Approve Memorial of London merchants concerning Newfoundland. *Propose* that Magistrates and Constables be annually chosen before the fishing Admirals leave, each Master of a ship to have a vote. Some men of war, soldiers and provisions to be sent at once. A reward to be given to any person that shall discover such as shall correspond with the enemy. The soldiers to be paid in specie in the presence of the Commanders of H.M. ships of war and the fishing Admirals, to prevent the paymasters keeping their money and paying them in goods at dear rates. The practice of letting the soldiers to hire, which we conceive to be a great discouragement to them, to be restrained *etc.* Signed, Fra. Whitechurch, Mayor, and 15 others. *Endorsed*, Reed. 17, Read 18 July, 1705. 1½ pp. [C.O. 194, 3. No. 81; and 195, 4. pp. 50, 51.]

[July 17.]

1257. Thomas Byfield and Co. to the Council of Trade and Plantations. [Cf. Feb. 27.] A stop was put to their Charter, it being misrepresented to the Attorney General and Commrs. of Customs that they never intended to import pitch and tarr. They have now imported 400 barrels from Carolina, but it has arrived before the bounty comes into force. *Pray* that their case may be recommended to the Commrs. of the Navy, that they may have an encouraging price for it, and also for any larger quantity that they are willing to contract for, they having refused a good price at Lisbon *etc.* *Endorsed*, Reed. Read July 17, 1705. 1½ pp. [C.O. 5, 1263. No. 25.]

[July 17.]

1258. Certificate of several shipwrights and ropemakers, that the *above* pitch and tar is fit for H.M. Navy. July 13, 1705. 5 signatures. *Endorsed as preceding.* 2 pp. [C.O. 5, 1263. Nos. 26, 26.i.]

July 17.
Whitehall.

1259. Council of Trade and Plantations to Mr. Secretary Harley. *Recommend preceding* petition of Messrs. Byfield to be laid before H.M. for her pleasure therein. [C.O. 5, 1291. pp. 163, 164.]

[July 17.]

1260. Sir H. Ashhurst to the Council of Trade and Plantations. There is a design carrying on destructive to H.M. Colony of the

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Massachusetts Bay, to erect a Court of Chancery there. At the request of the chief inhabitants, *prays* to be heard, if any such commission comes before the Board. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read July 17, 1705. 1 p. [C.O. 5, 863. No. 138.]

[July 17.] **1261.** Sir H. Ashhurst to the Council of Trade and Plantations. His cousin, Peter Sergeant, hath been constantly chosen a Comsessor in New England ever since Col. Dudley's being Governor, and as constantly he hath used his negative upon him without any reason. *Prays* redress *etc.* *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read July 17. *Holograph*. 1¼ pp. [C.O. 5, 863. No. 139.]

July 18.
Jamaica.

1262. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges letter etc.* of April 20 and 26. I enclose all the Minutes I could procure from Coll. Stanton, the late Speaker of the Assembly, who, poor gentleman, is since dead. Two days before he died he sent me the following message, which I, not well understanding the meaning of, think fitt to relate to your Lordships, tho' I shall make the best use of it I can. He desired two Gentlemen that were at his house to give his humble duty to the Governor, and tell him there was very soon an Assembly to meet, and that he wisht him a safe deliverance from them; this message being delivered to me as I was going to his funeral, I took the opportunity to talk of it amongst some of the Assembly men, and told the Gentlemen that brought me the message that they must go before a Magistrate, and declare it upon oath, for that I did believe Coll. Stanton knew very well the temper and inclination of the people, and as a dying man would not offer to say anything but what was just, and that such words might be taken in a dangerous sense, and that I hoped they had no design against H.M. Royall Authority, and I did assure them as to my own part, they would never find me do as Sir Wm. Beeston did, run into my closet and let them fire their guns after me; at which some of the thinking men seemed to be surprized. I shall take no notice of this to the Secretary of State, because I do not think it of that dangerous consequence; their temper is to make a noise, and I am of opinion no more, when it comes to the tryall. The Assembly met the 10th inst., and on the 11th desired they might adjourn till the Fleet sailed. I hope I have broke the factious knott of them that has always opposed Government, but I shall be capable of giving your Lorps. a better account of that by my next, since they have now sat but two days, and are adjourned. The Fleet will sail tomorrow; I believe it is as rich a Fleet as ever sail'd out of Jamaica; pray God send them safe; besides the produce of the country, I am of opinion there are a great many thousand pounds in silver, therefore I doubt not but your Lordships will take care that a convoy will meet them before they come to the Soundings; there are 50 odd merchant ships, most of them of great burthen, besides 4 men of war. I have writt to the Lord

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High Admirall to the same purpose. As to the packett-boats' powder, I shall take care they meet with no hardships. The Acts your Lordships were pleased to send me, I have already caused to be published according to order, as likewise the Act for encouraging Navall stores. Sir Wm. Whetstone has taken a French ship of 46 guns off Carthagene, she has done a great deal of damage both on the coast of Guinea and here amongst our traders: I had two soldiers of my Regiment killed on board the *Mairmaid*, which was the ship that first engaged her, but she proved too many for the *Mairmaid*, and night coming on had like to make her escape from them all into Carthagene, but the Flagg himselfe happen'd to spy her early in the morning, and engaged her two hours before she struck, the Captain being fortunately killed with a chain-shott, who had resolved either to blow up his ship or sink her. I must confess, tho' an enemy, I cannot but commend his brave Resolutions, and wish all Gentlemen that eat the Queen's bread would be of his opinion. Some say she was a very rich prize, and had a great deal of boulion in her, but most of her riches, being betwixt decks, I believe the Admirall knows best her value: she had above 200 French men and 60 slaves. Conformable to H.M. Orders, I have had all the private men of Coll. Livesay's Regiment incorporated into mine, and although H.M. Orders say I should have done it after the arrival of the two Companys, yet the necessity Coll. Livesay's Officers, Serjants, Corporalls and Drummers were in for want of quarters, the Act being expired and they having no money to support themselves, besides the unavoidable danger they would run by going in straggling ships without convoy, both of the enemy as well as of the winter weather, which might prove the utter ruine of the Regiment, has obliged me to permitt them to go home by this convoy; and I beg your Lordships will recommend it to the Secretarys of State and War, as being absolutely for the the good of H.M. Service, to which purpose I have writ to them both by this packet. As to H.M. men of war, under command of Admiral Whetstone, I doubt not but he will give a full account of them himself, therefore I shall not trouble your Lordships with that matter. They continue healthy, only the Admirall's ship, which I have advised him to send to sea. The Island is at present, Blessed be God, very healthy. *Signed*, Tho. Handasyd. *P.S.*—A Jamaica privateer has taken a French trading ship of 24 gunns, the men having run her ashore and deserted her without striking a stroke; they say she is very valuable, but that I am not yet certain of, she being not come in, but expected every minute. *Endorsed*, Recd. 3rd, Read 31st Sept. 1705. *Holograph*. 3 pp. [C.O. 137, 7. No. 16; and 138, 11. pp. 427–432.]

July 18.
Jamaica.

1263. Governor Handasyd to Sir Charles Hedges. *Repeats gist of preceding. Gives account of a Court Martial*—one soldier suffered the death penalty, one on plea of *non compos mentis* reprieved in hopes of H.M. pardon. I send by this Fleet 50 odd French prisoners, and four Englishmen upon suspicion of piracy, two of which were concerned in running away with a brigantine

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from Barbados, but having no evidences to appear against them, send them to England, that, if 'tis thought fitt, they may be sent to Barbadoes. *Signed*, Tho. Handasyd. *Endorsed*, R. Sept. 1. *Holograph*. 3 pp. [C.O. 137, 45. Nos. 66, and (duplicate) 66.i.]

July 18. **1264.** Rear-Admiral Whetstone to the Secretaries of State.
H.M.S. Suffolk I believe it my indispensable duty to give you an account of the
at Jamaica. inclination of the Spaniards in these parts from whose coasts I lately came and chance about 10 leagues of Carthagene to meet with a French shipp of 46 gunns, who after two houres dispute, wee took and have delivered her to the Prize Officer here, there was on board that shipp three Spaniards whom I immediately sent a shoar to the Governour of Carthagene, assuring him that what Spaniards should happen into my custody, should allways be well used, and ye like I expected he would doe by the English, of which he gave me great assurance, and sent down an officer with a Flag of Truce to acquaint me of ye same, and to tell me that what English prisoners had been there, he had used well and carefully sent over to Jamaica, and by the discourse with ye officers he sent downe and others with them, I find they are very weary of ye French yolk and tyranny, and that they are mighty desirous of a trade and correspondence with Jamaica; what sloopes have been over with them they have used with great kindness and permitted them to trade, even under the walls of their fortifications. Their kindness and willingness to trade I shall endeavour to improve. Whilst wee were upon yt. coast wee burnt a privateer, which was fitted out from Martineco to destroy or disturb the Jamaica sloopes trading there, one of wch. he had taken wee retook from him and saved most of her cargo etc. The Jamaica Fleet sailed this day under ye convoy of H.M.S. *Guernsey*, *Nonsuch*, *Marmad*, *Deale Castle*. *Signed*, Will. Whetstone. *Endorsed*, R. Jan. 25. *Addressed*. *Postmark*. *Seal*. *Stamped*, "Kinsale." 1½ pp. [C.O. 137, 45. No. 67.]

July 18. **1265.** Council of Trade and Plantations to Governor Lord
Whitehall. Cornbury. *Acknowledge* letters of Feb. 19 and 25. As to what your Lordship writes of the coin and of your having suspended the execution of H.M. Proclamation, we find that your Lordship was obliged thereunto by the necessity of the affairs and trade of that Colony, occasioned by the refractory humours and disobedient proceedings of the people of New England and other Proprieties. Whereupon we have referred the consideration of that whole matter to H.M. Attorney Generall, in order to the proposing proper means to oblige those people and all H.M. subjects in the Plantations to a compliance with H.M. pleasure therein, and in the meantime, we doe expect to hear from you, what has been the effect of the said suspension. We have laid what you write in favour of the widow Bridges before the Lord High Treasurer, and you will have notice when his Lordship shall have determined anything thereupon. We shall expect the accounts of stores of war you promise us. We have represented to H.M. your Lordship's desire that Mr. Mompesson, Mr. Barbaric

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and Mr. Phillips be constituted Members of the Council of New York, which H.M. has been pleased to approve ; but we must upon this occasion take notice, that though we have complied with your Lordship's desire in this particular, yet we doe observe that your Lordship could not legally and properly by your Instructions admit the said gentlemen into the Council without H.M. previous appointment, the number of the Council then not being under 7, and therefore we desire you would for the future be more punctual in observing your Instructions therein, and not fill up the Council above the number of 7, to which number you are limitted by your said Instruction. And we must further desire you to be mindfull of another of your Instructions, which requires you to transmit to us the names and characters of 12 persons as you shall esteem best qualified to serve H.M. in the Council of New York in order to our filling up of vacancies as there may be occasion, which we desire your Lordship to be carefull in for the future. We must observe to your Lordship that we have not received from you any Minutes of Council since your being in the Government of New York, and therefore we desire you by the first opportunity to send us transcripts for all those Minutes since your Government ; we having constantly received transcripts of such Minutes from the preceding Governours. [C.O. 5, 1120. pp. 327-330.]

July 19.
Bristol.

1266. N. Byfield to [? Sir C. Hedges]. Mr. Colman's complaint that I did not condemn the *Charles* prize at Rhode Island for want of 200*l.*, is a very great abuse, for all that I did was to tell Capt. Halsey, before I held any Court about her, that I expected somebody should engage to pay the Court's dues, which I then said was 5 *p.c.*, but I never demanded any sum, and the only reason for delaying the condemnation was to advise upon Gov. Cranston's Commission *etc.* Signed, Nathl. Byfield. *Endorsed*, R. Nov. 2. 1 *p.* *Enclosed*,

1266. i. Nathl. Byfield to Sir C. Hedges. Boston, Feb. 22, 1704(5). Duplicate of No. 884. 1 *p.* [C.O. 5, 751. Nos. 66, 66.i. ; and (*duplicates*) 66.ii., iii.]

July 20.
Kensington.

1267. Order of Quen in Council. H.M. Principal Secretary of State is to prepare a letter for H.M. signature, whereby Sir B. Granville may be acquainted with H.M. royal approbation of his proceedings in the suspension of the Four Councillors of Barbados for acting with and privately countenancing those Members of the Assembly from whose irregular behaviour and contriv'd absence from their duty H.M. Island of Barbados had greatly suffered, and by which letter the said Governor may be impowered, upon the application and submission of the said Councillors, or any of them, unto him, to readmit them, or any of them into H.M. Council, if he shall so think fitt ; and that the said Governor be further acquainted with H.M. due sence of the great confusion and disorders that have hapned and may happen there by Members wilfully absenting themselves from their duty in the Assembly, by which means the administration of H.M. Government

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may be entirely obstructed, and that he be directed to represent, in H.M. name to the Council and the next Assembly, such great inconveniencys, and to recommend unto them the providing a sufficient remedy against the same by an Act to be past by them. The Governor to be further acquainted with H.M. approbation of his proceedings concerning Richard Downes, who is not to be admitted to the Council. *Signed*, John Povey. *Endorsed*, Reed. Read July 24, 1705. 2 $\frac{3}{4}$ pp. [C.O. 28, 7. No. 162; and 29, 9. pp. 351-353.]

July 20. **1268.** Order of Queen in Council. A. Skeen to be dismissed from his office of Secretary of Barbados for his misdemeanors, for which the Governor is to cause him to be prosecuted by the Attorney General in that Island. Mr. Solicitor and Mr. Attorney General to collect and examine the evidence brought against him here and to transmit to the Attorney General in Barbados *etc.* One of H.M. Principal Secretaries of State to signify H.M. pleasure to the Governor. *Signed*, John Povey. *Endorsed*, Reed. Read July 27, 1705. 2 pp. [C.O. 28, 7. No. 163; and 29, 9. pp. 354, 355.]

July 21. **1269.** Merchants of Exeter to the Council of Trade and Plantations. In reply to July 7. Approve memorial of the London Merchants concerning Newfoundland. The building of forts must be a work of time. The French might easily be driven out of Newfoundland, their nursery for seamen; their attack last winter shews us the way. It is of the greatest consideration that the officers in garrison be debarred from trade, *etc.* *Signed*, Gill. Yarde, Mayor. *Endorsed*, Reed. Read July 24, 1705. *Addressed*. 1 $\frac{1}{2}$ pp. [C.O. 194, 3. No. 80; and 195, 4. p. 53.]

July 21. **1270.** Mr. Burchett to W. Popple, jr. H.R.H. is informed that R. Sampson [see July 17 *etc.*] is servant to Mr. Campbell and endeavouring to run away from his service. This is the reason of the Captain's Orders being contradicted. *Signed*, J. Burchett. *Endorsed*, Reed. Read July 24, 1705. 1 p. [C.O. 194, 3. No. 82; and 195, 4. p. 54.]

July 22. **1271.** The Queen to Governor Sir B. Granville. *As* No. 1268. Windsor. *q.v.* *Countersigned*, C. Hedges. [C.O. 324, 30. p. 37.]

July 23. **1272.** W. Popple, jr., to Sir Robert Cotton and Sir Thomas Frankland. The Council of Trade and Plantations send you an Act for erecting and establishing a Post Office, past in Pennsylvania, and desire to know whether you have any objection why it may not be approved. [C.O. 5, 1291. p. 192.]

[July 25.] **1273.** Merchants of Weymouth and Melcomb Regis. Approve Memorial of London merchants concerning Newfoundland. Also propose that a serjeant and a file of soldiers be placed in each harbour to induce the planters there to exercise their arms. *Endorsed*, Reed. July 30, 1705. 1 p. *Annexed*,

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1273. i. Wm. Harding to Samuel Eyre. Weymouth, July 25. Requests him to present above to the Board. *Signed*, Wm. Harding, Mayor. 1 p. [C.O. 194, 3. Nos. 83, 83.i.; and (*abstract only*) 195, 4. pp. 56, 57.]

July 25.
Boston.

1274. Governor Dudley to the Council of Trade and Plantations. I hope my last letters by Capt. Morris, H.M.S. *Advice*, are well arrived. I have no opportunity but this of a small vessel coming North about [*i.e.*, round Scotland.—*Ed.*], in which I am willing to adventure this only letter, humbly to acknowledge H.M. gracious letters of Jan. 25 and Feb. 22, together with your Lordships' letters of April 12, 8, and 20, *etc.*, with the letters from Sir C. Hedges of April 20, and the Act of Parliament for naval stores and the two Acts of Parliament prohibiting trade and correspondence *etc.*, together with Mr. Taylor's petition. The first of H.M. letters referring to the rebuilding of Pemaquid, and the establishment of salaries, I have communicated to the Council, and the Assembly being to meet Sept. 5, I shall obey H.M. commands in using all possible methods to prevail with them to be sensible of their duty and obedience to H.M. commands therein. *In obedience* to H.M. other letter, I have now inclosed the accounts of the stores in Piscataqua, and the present condition of all things there under the hand of the Treasurer, and Commissary General, as also the present state of the fortifications and stores of the Massachusetts Province, and what is wanting. And I pray your Lordships' favour for me in this matter. I have not neglected my duty, but very soon after my arrivall here by way of Virginia sent the then present state of every thing, and once since under Coll. Romer's hand, and the third and last time now by Carey, who unhappily lost all. The two first of these I believe arrived, or at least one of them, and I hope is in the Office. I humbly ask your Lordships' pardon, I have had but two opportunities seasonably by H.M. ships for my letters since I came hither, and when my letters are lost, I must obtain pardon for the time, till I have an opportunity to repeat them. I have also humbly laid these papers before his Grace the Duke of Marlborough, and hope they will be to his Lordship's satisfaction. I most humbly thank your Lordships' care and favour in relation to the great gunns H.M. has graciously bestowed upon this Province, and upon their arrival shall direct the Assembly at their first sitting humbly to address H.M. thereupon. I am very sorry Mr. Carey should know his duty no better than to neglect to wait upon your Lordships with what papers he had, especially the printed triall. My Lords, I should not have directed the printing of them here, but to satisfy and save the clamour of a rude people, who were greatly surprised that any body should be put to death that brought in gold into the Province, and did at the time speak rudely of the proceeding against them, and assisted to hide and cover those ill persons, but when it was so printed here, I intended nothing more than humbly to lay them before your Lordships, and Carey's neglect to offer them, or to reprint them, was perfectly his own fault, of which I am truly

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ashamed. I have urged Col. Romer to furnish me with plans of the fortifications, which were lost in Carey. He acquaints me that besides those that were lost in Carey, he did two years before that cover them to your Lordships, and saies he is well assured they are in your Lordships' Office; howsoever, he is coming home and will waite on your Lordships with them, having now sent the present state of them severally what they have and what they want. Since the arrivall of Capt. Redknap, I have had some difficulty with Col. Romer, who being superceeded by Capt. Redknap's Commission, perhaps sooner than he expected, has been uneasy, that I would not since Redknap's arrival direct my warrants to him for the remaining works at Piscataqua. I am very sensible of H.M. favour in allowing an Engineer's attendance in these Governments at a great expence, but I dare not presume to imploy two, as I have told him, but what they could agree upon, I would say nothing against, but have strictly given my orders to Redknap as being the standing Officer. Col. Romer is a skilful officer, and served very well here, but his temper is harsh and superiour, and very disagreeable to the people, that it has been a difficult Province to keep matters quiet, passing through his hands, with other Commissioners, which is perfectly altered in Mr. Redknap's temper, and is thereby made very easy. In Capt. Carey was an account of every penyweight of silver or gold taken from the pirates or their imployer, with their names severally, and in my other letters since the grosse sums, but I have now again as your Lordships commanded, sent an exact particular of that treasure with a copy of the charges thereupon, which is as thriftily set down as the officers concerned can do it. I have only to offer to your Lordships that I may be allowed the 5 per cent., which is taken in all places, for my service therein as Judge. The recovery of the money out of the many hands where it was scattered was a great drudgery, and hard to steady the people in their obedience, and if H.M. shall be pleased to bestow any part thereof upon me and the Lieut. Governor, it will justify my proceedings against those ill men, and assist my support in the Government. Five daies since I sent to the Secretary of New Hampshire H.M. confirmation of the Act for obliging the inhabitants to do military duty, and the same is published and entered accordingly. In answer to Mr. Taylor's petition, referring to his paying powder money for the mast ship, which duty is exacted from none but such as come for masts, I have a very good opinion of Mr. Taylor's service to H.M., and have been very carefull to secure and cover his axmen, teams and places where the masts are lodged, and if your Lordships see meet to have the powder duty abated to his ships I shall submit, but the matter is a very great mistake. I inclose copies of the two Acts for the powder duty, which both provide for all shipping to pay those duties, except only where the owners dwell in that Province, and I humbly offer that that duty is rigorously taken of every ship, and without it the Province would be undone for want of powder, being no waies able to supply themselves. However, in both voyages upon the application of Mr. Taylor's Master of the mast ship, I abated

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one third of the duty, considering the excessive price of powder at present made it a heavy duty. I have ordered the publication of the three Acts of Parliament referring to naval stores *etc.* to be done to-morrow, attended with the Sheriffs and Justices, and shall take care to put them forward in the Assembly, that these Provinces may be serviceable in the supply of naval stores. The Articles against Connecticut and Road Island I have had in my hands but a week, and this conveyance is but uncertain and ready to depart, that I cannot possibly proceed to the obtaining proofs to those Articles without a longer time, but shall be diligent therein, and they may proceed from hence by the first opportunity after two or three months. However, the last conveyance I sent the copies of the Articles to the two Governours of those Colonies, and acquainted them they came to me under cover from your Lordships, the letters commanding me to see that they were safely presented to them, only I observed they were not signed by any Secretary or Clerk, as is usual, whether it be a mistake I cannot tell, but I did not observe it to those Governours, but laboured to supply it by certifying as above. The next day after the receipt of the Commission for the tryal of pirates, I publish'd it in the proper Court, and it is of record in the Offices, and I then discharged the remaining pirates, and they are very sensible of H.M. grace and favour to them, and I shall proceed at all times by the said Commission as I ought. I have suffered no losse by the enemy these last ten months, notwithstanding the French and Indians shew themselves in small parties everywhere upon the frontiers, to see if we keep good guards, and like thieves, now and then, to steal a few cattle or horses, which keeps me alwaies upon an alarm, and ten large villages in close guard and garrison upon the length of the frontiers, from Deerfield to Wells. Sometime in the winter I sent a messenger upon snow shoes to Quebeck, his errand was to procure an exchange of prisoners, but more to observe their posture, which is very indigent and necessitous, no money nor subsistence nor cloaths for the garrison of Quebeck or Mont Reall, which were happily taken upon the coast of England last year, and Capt. Stukely acquaints me that the Quebeck storeship is again taken some months since. If it should be so, that countrey will be brought to the last distress, and might easily be reduced with the assistance of ships of war from H.M., and men of this Province. I am now for the summer quarter reduced to 650 men, $\frac{2}{3}$ of which ought in proportion to be born by Connecticut and Road Island, but from Road Island I am worse since H.M. commands than before. I had from thence once for three months 50 volunteers in my Port Royall expedition about 18 months since, but since H.M. letter commanding their assistance, I have had not one man, nor penny but a letter offering to give H.M. command of this Province to Commissioners, and I know not what, to consult and order. I have enclosed the letter and answer that your Lordships may see the temper of that people, as also a copy of an Act of the Assembly in defiance of the powers of Vice-Admiralty, agreeable to their first Resolution, to lose all together. From Connecticut I have a running assistance

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into West Hampshire, which is their Frontier, but with this disadvantage, that they will not come without I give them all their subsistence, not will let me know how long they will stay, nor be under any command but their own, but for the Eastern war, where the seat of the enemy is, in the Province of Maine, I have had not one file of Englishmen since the war began, but from Uncas and his tribe I had for some months a service of 100 men, whom I armed and subsisted every day of their service, and trusted them with cloaths upon the hope that Connecticut would pay it out of their wages, but could never obtain anything. The last Session of the Assembly in May the Assembly chose Mr. Thomas Oakes, whom I had formerly refused to be of the Council, Speaker of the House of Representatives, and sent up to acquaint me of that Election. I gave them notice that I did not accept of him for a Speaker, and in right of H.M. prerogative and the direction of the Charter I had power so to do, to give the negative to all elections in the Assembly, as is plain, if your Lordships please to peruse that clause, wherein the choice of Councillors and all elections is in H.M. power to refuse, and has been done by me referring to Councillors severall times without dispute; however, the Council, upon the debate, every man except one delivered their opinion that I had not the power by the Charter to refuse the Speaker, whereupon to save the Session, who were to raise 22,000*l.* by order of the Assembly last sitting, I allowed him for fear of the loss of the tax, saving to H.M. her prerogative, the papers are inclosed. I had good reason to refuse the said Speaker, who is a known Comon-Wealth's man, never quiet, nor satisfied with the Government, but particularly so very poor, that some time since he begg'd off his tax to the Government upon the head of poverty, and had it granted to him. I humbly pray your Lordships' advice and direction upon the matter, after which I shall strictly govern myself, as I shall do in the establishment of the Castle, when I may have your Lordships' answer. In obedience to H.M. commands referring to Coll. Allin's estate in New Hampshire, I repaired thither in May last. I neglected no opportunity nor means to serve Coll. Allen, and shall do the same for the son, when I shall see him here. I enclose a copy of the Assemblies offer, and have given Mr. Blathwaite [*May* 9] my estimate of it, not being willing to trouble your Lordships with the particulars thereof. I formerly acquainted your Lordships that notwithstanding H.M. strict commands to the Governor of Road Island not to intermeddle with the businesse of the Admiralty, Mr. Cranston had given Commission to one Halsey in the *Charles* galley, who lately arrived at Road Island with a Spanish prize, and while Col. Byfeild the Judge was considering and advising with the Judge of the Admiralty of New York and with me, the Assembly of that Province made an Act and Declaration of their power to give Commissions for the seas, expressly contrary to H.M. aforesaid letter, and were resolved to proceed to condemn the said ship, without the Judge. And herein I am doubtfull they were encouraged by Mr. John Coleman, who is H.R.H. Agent for the tenths. I inclose a copy

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of his letter, wherein are these words, that Col. Byfeild, I find, is gone to Boston, if he doth not return speedily, I hope I shall have her condemned before he returns. Mr. Coleman is a merchant in good business here, and I hope is very carefull of the Prince's rights, but for himself and his brother, Col. Hobby, he has the greatest interest in that galley, and obtained the Commission from Cranston, and after when he saw that the Judge would not proceed upon that Commission he signed the petition to myself inclosed, confessing Cranston had no power so to do. And in another case, of a prize taken by Capt. Morrisse, he bought that to his own use. I am humbly of opinion that it is not the Prince's interest or benefit to have any Officers here in the Government, or receipt of his rights, owners or purchasers of prizes, lest the value be thereby lowered, upon the same reason as the Commissioners of the Customes will not allow their Collectors or Receivers to trade for any thing, lest they be tempted to a fraud; and it is certainly very easy for a gentleman in the figure of a Receiver to H.R.H. to influence the appraisement, and as easily moved to it when he is the purchaser. I thought it my duty to lay the matter humbly before your Lordships, though I have nothing personally to charge Mr. Coleman with of any neglect, but when he saies in his letter the Prince's interest was bleeding, there was no danger of the Prince's tenths but of Mr. Coleman's own halfe or thereabouts, which was also brought to passe by taking a Commission, without power, when if they had stayed for H.M. Instructions for the new regulation of privateers, they might have had it of me, as I told them at that time, and everybody else, had the manners to stay till that Instruction came. I have examined the Post-office in Boston, referring to my Lord Cornbury's letters, and the Master here has thereupon written to the Post-master at York, and they both affirm to me, they never had charge of any letters to my Lord Cornbury, that were not carefully delivered, and if at the time of any failure of that sort, my Lord had been pleased to have written to me thereupon, it might have been easily discovered, but I never heard of it, but in your Lordships' letter, and the officers pretend ignorance, and that at York, which reaches halfe way between us, and who alwaies delivers the letters there, is first chargeable. I am of opinion humbly that that office is not well in the assignes of Mr. Neale, but should be disposed immediately by H.M., and put under the care of H.M. Governour or other substitutes, and all things in it would be well. I am taking care to obey your Lordships' commands referring to the annuall births in this Province, and have commanded the Sheriffs of every County to require the Clerks of every town and precinct to give them the number of males and females distinctly that have been born the last year, which will be obtained with some difficulty, the officers in towns being lesse capable. I have pursued the affair of the weight of money in obedience to H.M. most gracious commands, and that matter is thus. Seven years since there was a law of this Province, allowed of by the late King, that all pieces of eight of 17 dwt. should pass for 6s., and pretty well observed,

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so that I thought I had little to do, only in obedience to H.M. Proclamation to adde the $\frac{3}{4}$ d., and accordingly at the next imediate Session, the General Assembly agreed to the publication of H.M. Orders, and their own affirmance of it in this Province, unto the next General Assembly which sate in May last, where I expected and accordingly directed in my Speech, whereof a copy is inclosed, that they would proceed to inforce H.M. commands by adding just and severe penalties to any hereafter offering clipt money, or other light money by tale, but could not obtain so much as a Committee upon that affair, till I would leave out the word penalties, whereby I perceived plainly the Representatives' minds were altered, which they soon further declared in sending up their vote to pay the tax of 22,000*l.*, in silver at 8*s.* the oz., which is scarce 15 dwt. for 6*s.*, and this they insisted upon for five weeks sitting, but I would not accept it so, and refused their votes peremptorily, and have gotten the tax upon the old usage of 17 dwt., but nothing at all done to inforce the Proclamation, nor any penalty, and thereby the countrey will be imboldened to use their late way of payment at 15 dwt., though I shall take care that the Courts and officers of receipt keep steady and allow of no legall payment but of due weight. I expected from Capt. Hincks (who I found at my arrivall Captain of the Fort at New-Castle in Piscataqua River, as well as first of the Councill and Chief Judge of the Superiour Court) an account of the past expence of powder etc., but he is gone lately to Barbadoes, without giving me any notice of his departure, contrary to the duty of his station in H.M. service. I humbly offer Mr. Richard Waldron, Lt. Col. Winthrop Hilton and Major John Smith to be admitted of H.M. Councill, if it shall please H.M. They are persons of loyalty and estate. *Signed*, J. Dudley. *Endorsed*, Reed. Oct. 31, Read Dec. 18, 1705. 12 pp. *Enclosed*,

1274. i. Account of the guns, plaeced and wanting, in the Forts of New England. Boston, April 29, 1704. *Signed*, Wolfgang W. Romer. *Endorsed*, Reed. Oct. 31, 1705. 1 large p.
1274. ii. Account of stores in H.M. Castle on Castle Island. July 28, 1705. *Same endorsement*. 1 p.
1274. iii. Account of small arms and gunpowder in the Massachusetts Bay. July 30, 1705. 496 arms. 26 barrels, 40 ordered in June last. *Same endorsement*. $\frac{3}{4}$ p.
1274. iv. Account of gold and silver piratically taken by Quelch *etc.* and now lodged in the hands of the Treasurer. 879 odd oz. of gold. 90 oz. silver. *Signed*, Isa. Addington, Paul Dudley, Jeremiah Allen *pro* James Taylor, Treasurer, Commissioners. *Same endorsement*. 3pp.
1274. v. Account of payments (366*l.* 12*s.* 4*d.*), to defray charges, made out of *preceding* stock. Due 49*l.* *Signed*, Isa. Addington. *Same endorsement*. 3 pp.
1274. vi. Speech by Governor Dudley to the Assembly, May 30, 1705. *See Letter above, and Minutes of Council and Assembly*, *Same endorsement*. 1 $\frac{1}{2}$ pp.

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1274. vii. Minutes of Council in Assembly of the Massachusetts Bay, June 1 and 7, 1705. *Same endorsement.* 1 p.
1274. viii. Governor Dudley's Proclamation. Boston, March 3, 1704(5). No money shall pass by tale but what is of due weight according to H.M. proclamation and the laws of this Province. All light money shall pass by the ounce Troy *pro rata* until the end of the Session of this Court in May next, when further consideration shall be had thereof, *etc.* Signed, J. Dudley. By order of the Governor, Council and Assembly. *Same endorsement.* Printed. 1 p.
1274. ix. Minutes of Council and Assembly of the Massachusetts Bay. May 30, 31, 1705. *Same endorsement.* 3 pp.
1274. x. Proclamation by Governor Dudley. Boston, July 3, 1704, for opening the trade with Spain in America. Signed, J. Dudley. Printed. *Same endorsement.* 1 p.
1274. xi. Governor and Assembly of Rhode Island and Providence Plantations, to Governor Dudley. Newport, Dec. 28, 1704. *Acknowledge* H.M. letter of March 30 and the request of the Governor and Assembly of the Massachusetts Bay for assistance against the French and Indians. As to H.M. commands for assisting your frontiers, we have not been anyways remiss, but on all occasions ye summer past we have to ye best of our power been ready to give all assistance, (we judging ourselves to be bound as H.M. subjects to give our assistance to all four neighbouring Colonies) neither shall we be wanting for ye future, altho' we cannot give that account as we expected, for ye season of ye year being so violent yt great part of ye Representatives from ye mainland could not be present, neither altogether ye number of ye listed souldiers produced, and for ye further care thereof ye Assembly is adjourned until Feb. 14. It is not unknown yt. we also are a frontier on ye sea, and have allways a number of men in actual service and pay, and if by ye next sitting of our Assembly we knew but ye number of ye listed souldiers, we doubt not but our Assembly will readily order a full number and proportion on all actual service. Signed, By Order, West. Clark, secry. *Same endorsement.* 1 p.
1274. xii. Governor Cranston to Governor Dudley. Newport, Feb. 28, 1705. I have once more laid H.M. letter as well as your Excellency's (relating ye assistance of men etc.) before ye General Assembly sitting ye 14th currant, who have ordered ye raising of one company of men to ye number of 48 to be allways ready for ye Colony's service, and, if occasion require, for ye assistance of our neighbouring Colonies. The Assembly have appointed Major John Dexter, Major Nathl. Coddington, and Capt. Joseph Sheffield, or any two of them, Commissioners to treat with the like number of

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- Commissioners that may be appointed by your Excellency, for settling how the respective forces sent to ye assistance of each Government shall be supported, supplied and disposed of. The Assembly desire you to appoint such Commissioners with full powers to settle these and other points etc. *Signed*, Samll. Cranston. *Copy*. 1 p.
1274. xiii. Governor Dudley's answer to preceding. March 8, 1705. I am very unhappy to find H.M. commands and my own endeavours to end in a projection of Commissions for I cannot tell what. I am here H.M. Capt. Genll. and I doe neither incline nor dare to give away H.M. authority etc. I know no such officers nor figure of men as you intimate, to tell me what to do. If I may expect any number of men, I pray to be so told, and I intend at present to keep them as a scout from Marlborough to Oxford, which will cover all ye side of ye country. I am setting all ye frontier into a posture for ye summer, and pray your answer. *Signed*, J. Dudley. *Endorsed*, Recd. Oct. 31, 1705. *Copy*. 1 p.
1274. xiv. Memorandum of No. 1275.
1274. xv. Petition of Col. Paige and others, owners of the briganteen *Charles*, Capt. John Halsey, to Governor Dudley. Boston, June 23, 1705. The above privateer, commissioned by the Governor of Rhode Island, took a Spanish prize and brought her in there. Petitioners now understand by the Judge of the High Court of Admiralty in these parts that the said Governor had no power to grant such a commission, the Vice-Admiralty being wholly vested in your Excellency. *Pray* for the benefit of their prize, nevertheless, and a new Commission. *Signed*, Nicho. Paige, for himself and John Coleman, Benj. Gallop, John Walker [*? Wocker*]. *Same endorsement*. 1½ pp.
1274. xvi. John Colman to [*? Governor Dudley*] Newport, June 17, 1705. The Judge of the Admiralty defers giving sentence against the *Charles* prize, for want of 5 p.c. or 200*l.*, weh. tho' I think unreasonable yet have advised the Capt. to give it, provided he will give bond to repay wt. it appears to be more than ye stated fees in England. Col. Byfield is gone to Boston, if he doth not return speedily, I hope shall have her condemned before he return. . . . The Lord High Admiral's interest lyes bleeding here for want of doing his duty etc. *Signed*, John Colman. *Same endorsement*. *Copy*. 1 p.
1274. xvii. List of ships paying powder-duty at New Hampshire, Aug. 1699—Oct. 1703. Total, 53. *Signed*, Sampson Sheafe, Depty. Collector. Newcastle, Custom house, Oct. 5, 1703. *Same endorsement*. *Copy*. 1 p.
1274. xviii. Minutes of Council and Assembly of New Hampshire, Dec. 1703 and March 20, 1704. See C.S.P. 1703, No. 1365. Capt. Eason excused part of the powder duty. *Same endorsement*, 2½ pp.

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1274. xix. Copy of the offer of the inhabitants and terre-tenants of New Hampshire to Samuel Allen. Portsmouth, May 3, 1705. *Analysed by Governor Dudley in his letter of May 9 q.v. Signed*, by the Representatives and Commissioners:—John Pickerin, Samuel Keas, Samuel Levitt, Samuel Thing, Thomas Robie, Nathl. Hill, Willm. Cotton, Willm. Wallis, William Furbur, William Stacy, Gershom Elkins, Samll. Shaw, William Partridge, Richard Waldron, Tho. Phipps, Jno. Tuttle, Kinsley Hall, Theophilus Dudley, John Stanyan, Theodore Atkinson, Samuel Dow, John Brackit, Thomas Philbrick, Jona. Saxburn. *Same endorsement.* 3 pp.
1274. xx. Account of stores in H.M. Fort William and Mary, Newcastle, July 27, 1705. 18 barrels of powder etc. *Signed*, Saml. Penhallow, Sha. Walton, Capt. *Same endorsement.* $\frac{3}{4}$ p.
1274. xxi. Copy of two Acts of New Hampshire, 1702, 1705, relating to the powder duty. *Same endorsement.* 2 pp. [C.O. 5, 863. Nos. 140, 140.i-xxi; and (without enclosures) 5, 912. pp. 32-55.]

July 25. **1275.** Copy of Declaration of Assembly of Rhode Island, Newport, June 19, 1705, upon the case of Capt. Halsey, that their Governors "have had, and still have power and authority to grant commissions to privateers, provided they take bond, and do all other things as the Law directs." *Subscribed*, This I received from Col. Byfield. *Signed*, J. Dudley. *Endorsed*, Recd. Oct. 31, Read Dec. 18, 1705. $1\frac{1}{4}$ pp. [C.O. 5, 1263. No. 55.]

July 25. **1276.** Governor Dudley to [? Sir C. Hedges.] *Repeats part of preceding letter. Refers to Col. Byfield's letters [see preceding and July 10 and 19]. Continues:*—The Privateers and others bringing in prizes to these Ports complain that the fees of the Court of Admiralty are not set and determined, for which I have no authority, but humbly refer myself to your[s] Honour's direction. For all the other Plantations of Jamaica, Barbadoes, Virginia etc., somewhere between 10 and 13 p.c. hath been alwaies taken for the Judge, Register, Marshall, Advocate, Proctor, etc. I have not allowed this Court to go beyond 5 p.c. for all these officers, which yet doth not please, but the Government of York have lately given their Judge and other officers a good salary and taken away all fees, to invite all Captors of Prizes into their Ports, which this Province will not be brought to, for their Governour, nor any officer whatsoever, notwithstanding H.M. strict commands therein. If your Honour would please to direct or intimate to me, what fees should be taken, every officer of that Court, who indeed are the best men I have in H.M. service here, will absolutely obey your Honour's direction. The condemnation often demands a great travell of 100 miles for the Judge and officers, and the 5 p.c. is little more than $\frac{1}{4}$ d of what is taken elsewhere, but the People here are seldom satisfied in anything in the Government, especially where H.M. officers

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of Her own appointment sit. I have in obedience to H.M. command discharged the remaining Pirates; I hope they will be serviceable on board the *Deptford*, I have also covered an account to the Board of their treasure *etc.* (*Nos. iv, v. supra.*) I have humbly set down 5 p.c. for my drudgery in that affair *etc.* I pray that I may be remembered in the division to assist my support in the Government, having yet no establishment of any salary. I pray your Honor's favour to mee in the service of these Provinces, who are so very hardly kept steady to H.M. service and obedience to their duty in the Acts of Trade and what els do's not concern their own immediate benefit. *Signed, J. Dudley. Endorsed, R. Dec. 1. 4 pp. [C.O. 5, 751. Nos. 71; and (duplicate) 72.]*

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Virginia
Kiquotan.

1277. Governor Nicholson to the Council of Trade and Plantations. This is designed God willing by Honble Col. Robert Quarry with whom I presume to send your Lordships the box wherein are the severall Journalls. *Refers to letters sent by the Eagle gally.* I should have endeavoured to have given a full account of affairs by this opportunity: but on 22nd instant came to me the Master of a small vessell, who gave me an account that he left our Fleet about six weeks before, going into Fyal, and that on board H.M.S. *Kingston* was a Lieut. Governor for this country, by which I suppose H.M. hath been pleased to order me for England: so I intend God willing to embark on board one of the men of war that are coming in (for I hear they are not to stay here above 30 days) and when please God I come to London I shall do myself the honour of paying my duty to your Lordships, and shall then endeavour to give your Lordships a just and full account *etc.*, and bring duplicates of what is wanting. *Transmits* copyes of Mr. Beverly's letters, papers *etc.* for I find they are not in the Journal of the House of Burgesses, I can say a great deal on this subject, how prejudicial such things may be to H.M. interest and service, as likewise to the inhabitants here *etc.*, but for the reasons aforesaid shall not now trouble your Lordships with them, and Col. Quarry will I suppose say something to your Lordships concerning it on his own account *etc.* *Encloses* a Bill of Exchange for the Sollicitor of the Virginia affairs. I desire your Lordships will be pleased to dispose of it as you think proper, for I have not appointed any person. Last October I sign'd a warrant on Col. Byrd for paying the preceeding half year's sallary to Mr. Thraile, not knowing that he was dead; but how Mr. Auditor Byrd paid it I know not. *Encloses* acct. of the 2s. per hogshd. of this date, by which your Lordships may please to see the state of the Revenue. I would not presume to take my own sallary, but if your Lordships please, I think an order to Mr. Micajah Perry to transfer it to my account (he being my correspondent) may be sufficient *etc.* My successor will find a considerable Bank of H.M. money both of the Quitt-rents and 2s. per hogshd., besides above half of this year's crop left behind, and I hope in God to deliver up the Government in peace, tho' far from being in quietness *etc.* *Signed,*

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Fr. Nicholson. *Endorsed*, Recd. 8th, Read Oct. 12th. 1705. 2 pp. *Enclosed*,

1277. i. Assembly of Virginia to the Queen. *Repeat* profession of loyalty. "Our education hath been in the Church of England as by Law established, in the protection whereof your Majesty has upon all occasions shewn yourself an eminent instrument, and our hearts according to the principles of that Church (which is the best constituted in the world) have always been full of Loyalty to the Monarchicall Government of England, and that as much out of inclination as duty. We have never been guilty of endeavouring to make any encroachments upon your Majesty's rights and prerogatives; or to arrogate to ourselves any greater liberties and priviledges than your Majesty and your royal predecessors have been graciously pleased to allow us. Yet, nevertheless, to our great grief we are made sensible that Col. Robert Quarry of Pennsylvania hath taken upon himself to make a very untrue Representation to the Council of Trade and Plantations, wherein, after many unjust reflections, he adds that "now or never is the onely time to maintaine the Queen's just prerogative and put a stop to these wrong, pernicious notions which are improving daily, not only in Virginia, but in H.M. other Governments, a Frown now from H.M. will do more than perhaps an army hereafter." Whereby as we concieve he falsely insinuates that nothing less than your Majesty's displeasure backed with an armed force will be sufficient to restrain us from disobedience to your Majesty's Government. It is possible that many other such misrepresentations may be made to our prejudice, but our poverty (as it happens to your Majesty's other poor subjects) makes us to have but few friends, so yt. it is difficult for us to come to the knowledge of them, and therefore it is impossible for us to vindicate ourselves from all those aspersions that may be cast upon us. We are very sensibly afflicted that it is not in our power to make more evident demonstrations of our Loyalty than by our words. But since we have allways shewed a firm adherence to the Crown of England, and a more than ordinary Zeal and affection for your most sacred Majesty's person and government, we humbly hope that your Majesty will be graciously pleased to believe the truth and sincerity of these our Professions. *Further protestations of loyalty. Signed*, Peter Beverly, Speaker, Wm. Randolph, Francis Eply, Wm. Harrison, Robt. Bolling, Nath. Harrison, Wm. Edwards, Edward Hill, Tho. Ballard, Ar. Smith, Tho. Giles, Danl. Sullivan, James Willson, Edwd. Moseley, Adam Thorowgood, Nicholas Curle, Wm. Armstead, Hen. Jenkyns, Miles Cary, Robert Hubbard, Tho. Barbar, George Marable,

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- John Forster, Jno. Harrison jr., James Moss, John West, Thos. West, Wm. Bird, John Walker, James Ransone, W. Churchill, Richard Covington, James Boughan, Cha. Ashton, Henry Ashton, Rice Wood, Benja. Nottingham, Wm. Ball, John Turberville, Wm. Robinson, Richd. Hayme, Richard Fassaker [? Fossaker], Tully Robinson, Ri. Drummond, Jacob Johnson, Drury Stich. [May 10, 1705.] *Endorsed*, Recd. Oct. 8, 1705. $5\frac{1}{2}$ pp.
1277. ii. Copies of Proclamations by Governor Nicholson. Duplicate of No. 921.ii, with addition of Proclamation proroguing the Assembly to Oct. 3. July 16, 1705. *Endorsed as preceding*. 11 pp.
1277. iii. Account of the Revenue of 2s. per hhd. April 25—July 20, 1705. (1,918l. 18s. 7d.), and of the salary due to Col. Nicholson. *Same endorsement*. 2 pp.
1277. iv. Copies of Robert Beverley's letters, including abstract of Col. Quarry's Report, July 20, 1703, etc. sent to the Assembly of Virginia, with their proceedings thereon and Address to H.M. as No. 1277.i. April, May, 1705. *Same endorsement*. $22\frac{1}{4}$ pp.
1277. v. Account of Tythables in the several Counties of Virginia and the quantity of tobacco levied on them by the Assembly, April, 1705. *Totals*, 27,053. Tobacco, 196,147 (? lb). *Endorsed*, Recd. 8th, Read Oct. 12th, 1705. 1 p.
1277. vi. Abstract from the reports of the Committee of Public Claims, April, 1705. *Endorsed*, Recd. Oct. 8, 1705. $1\frac{1}{4}$ pp.
1277. vii. Account of the payments ordered by the Assembly of Virginia, April, 1705. *Endorsed as preceding*. $\frac{1}{2}$ p.
1277. viii. Copy of the Rent-rolls of all the lands held of H.M. in the several Counties of Virginia, 1704. *Same endorsement*. 62 large pp. double columns.
1277. ix. Account of H.M. Quit-Rents, 1704. (2s. per 100 acres.) *Total*, 1,841l. 1s. 6 $\frac{3}{4}$ d. *Same endorsement*. 2 pp.
1277. x. List of patents for land signed May, 1705. 59 grants of from 50 to 4,900 acres each. *Same endorsement*. 2 pp.
1277. xi. Account of H.M. Revenue of 2s. per hhd. Oct. 25, 1704—April 25, 1705. *Total*, 303l. 19s. 10 $\frac{1}{2}$ d. *Same endorsement*. 2 pp.
1277. xii. Accounts of Col. Carter, late Treasurer, 1704. Passed the Council and Assembly, May, 1705. *Same endorsement*. 2 pp.
1277. xiii—xv. Accounts of Peter Beverly, Treasurer, of the impositions on liquors, servants, and slaves to May, 1705. *Same endorsement*. 6 pp.
1277. xvi. Proceedings of the Governor and Council of Virginia relating to H.M.S. *Strombolo*, and H.M.S. *Hastings*, and the fleet bound out under their convoy. April—July, 1705. *Same endorsement*. 15 pp.
1277. xvii. Copy of Reply of the Several Vestries in Virginia to Col. Nicholson's Orders with Sir E. Northey's Opinion

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concerning induction and maintenance of Ministers *etc.*
Same endorsement. 36½ pp.

1277. xviii. Abstract of Naval Officers' Lists of ships' cargos cleared outward from Virginia, May, 1704—July 22, 1705. *Endorsed*, Reed. 8th, Read Oct. 12th, 1705. ¾ p. [C.O. 5, 1314. Nos. 63, 63.i-xviii.; and (without enclosures) 5, 1361. pp. 360-368; and (duplicates of Nos. v.-vii.) 5, 1340. Nos. 11-13.]

July 26.
 Whitehall.

- 1278.** W. Popple, jr., to Mr. Penn. *Encloses following*,
 1278. i. Objections made by the Council of Trade and Plantations upon the Acts of Pennsylvania. (1) *Act against menacing and assault and battery.* The wording and penalty are too general. (2) *Act against sedition.* Instead of the words *sedition* and *disaffection to this Government*, ought to have been "against H.M. or this H.M. Government," for there cannot be any sedition but against H.M. (3) *The Act of privileges to a free man* ordains that no freeman shall be tried *etc.* but by 12 equals or by the Laws of this Province, which interferes with the *Act for preventing frauds etc.* 7 and 8 Wm. III. (4) *An Act for the names of days and months.* Every man may call the days and months as he pleases; this Act is insignificant and not fit to be laid before H.M. (5) In the *Act to regulate Elections*, Advertizements for Elections are to be posted . . . upon the Court Houses and publick meeting houses: it ought to have been, Churches, Chapples and public meeting houses. (6) *An Act directing the attests of officers etc.* If the Government be surrendered to H.M., this Act ought not to be confirmed, because Judges *etc.* are hereby required to promise fidelity to the Proprietary. Besides, none of the officers mentioned are obliged to take an oath for the due execution of their places, but only to make an attestation, which we think not sufficient. The words *Master of the Rolls* are not used in any other of H.M. Plantations, and is peculiar to H.M. Officer in Chancery here. (7) *An Act for the preservation of the person of the Proprietary and Governour*, we think not proper to be laid before H.M., the Proprietary and Governour having already the same protection by law as other H.M. subjects. (8) *An Act against speaking in derogation of Courts* is worded too generally and liable to arbitrary constructions. (9) *An Act requiring all masters of ships to report at Newcastle*, establishes that town as a Port, whereas the power of settling ports is by Act of Parliament vested in the Commissioners of Customs *etc.* Besides, if the Government be surrendered, this Act must not be confirmed, because part of the penalties herein are appropriated to the Proprietary. (10) *An Act for the levying of fines* cannot be confirmed for the same reason. (11) *Act against*

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scolding. The words *if any person shall be clamorous with their tongue* are too general, and the penalty of standing gagged in some publick place or five dayes imprisonment at hard labour is too great. It is not said how long the persons shall stand gagged. (12) An Act *to prevent the sale of ill-tanned leather and working the same into shoes and boots.* It cannot be expected that encouragement should be given by Law to the making any manufacturys made in England in the Plantations, it being against the advantage of England. (13) An Act *that no public house or inn within this Government be kept without licence.* If the Government be surrendered, this cannot be confirmed, because the lycenses are to be granted by the Proprietary etc. (14) An Act *against Pirates* cannot be confirmed because a late Act of Parliament has provided for these cases and commissions issued by H.M. accordingly. (15) An Act *for erecting a bridge over the creek at Chester.* The first enacting clause begins "Be it enacted by the authority aforesaid," whereas there is only the Governor and Councill mentioned before. (16) The Law *about tryalls by 12 men* interferes with the Act *for preventing frauds.* (17) The Act *against swine running at large* cannot be confirmed if the Government be surrendered, because the forfeitures are to the Proprietary. (18) We observe besides the above particular objections upon all the Pennsylvania Acts in general, that in most of them it is said *Counties or Territories annexed*, whereas we know of none anex'd. H.M. reign or the year of her reign are not mentioned. (19) In all the Acts it is said, This Government, whereas it ought to have been This H.M. Government. The stile of enacting in all the Acts to be redressed. 5½ pp. [C.O. 5, 1291. pp. 193-202; and (enclosure only) 5, 1263. No. 29.]

July 27. **1279.** W. Popple, jr., to Mr. Attorney and Mr. Solicitor General.
Whitehall. The Council of Trade and Plantations desire your opinion in point of law upon the enclosed Act of Nevis, *to settle the estate of Capt. Thomas Butler, etc.* [C.O. 153, 9. p. 240.]

July 27. **1280.** W. Popple to Mr. Lewis. *Encloses copy of Governor*
Whitehall. *Dudley's letter with Lt. Moody's, April 20th, to be presented to Mr. Secretary Harley.* [C.O. 195, 4. p. 55.]

July 27. **1281.** Lt. Governor Johnson to the Council of Trade and
St. Plantations. *Repeats letter of July 4. Concludes:* I assure
Christophers. your Lordships the Council of this Island are all very good men and much for H.M. service and their own security for the erecting fortifications or repairing old ones. But I am more plagued with four or five ill Members in the Assembly than I am with all the rest of the Islands, who out of malice by reason I would not pass such laws as tend to the prejudice of H.M. Prerogative,

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have ungratefully turned the soldiers out of that poore and indifferent quarters that they formerly granted them into the open field, where both officers and soldiers are forced to build themselves hutts for their cover. A copy of their unreasonable Bill, as likewise the Minnits of theire owne Assembly I shall send your Lordships per next, as alsoe the Laws of all the other Islands, with all other orders as your Lordships have commanded me to send with all due obedience. *Signed*, Jon. Johnson. 3 pp. [C.O. 152, 6. No. 28; and 153, 9. p. 277.]

- July 28. **1282.** W. Popple, jr., to Governor Nott. H.M. having been
Whitehall. pleased to issue her Royal Proclamation for a Thanksgiving for a Victory obtained by H.M. arms over the French in the Spanish Netherlands, *encloses* same that you may appoint a Day accordingly. Upon receipt of the new Seal [May 8] you are to cause the old Seal to be broken before you in Council and transmitted to this Board so broken to be laid before H.M. in Council as usual. [C.O. 5, 1361. pp. 358, 359.]
- July 28. **1283.** William Popple to Governor Handasyd. Instructions
Whitehall. for a Day of Thanksgiving *as in preceding*. [C.O. 138, 11. p. 400.]
- July 28. **1284.** W. Popple, jr., to Lt. Governor Bennett. Similar
Whitehall. Instructions for a Day of Thanksgiving. [C.O. 38, 6. pp. 126, 127.]
- July 28. **1285.** W. Popple, jr., to Lt. Governor Johnson. Similar
Whitehall. Instructions for a Day of Thanksgiving. [C.O. 153, 9. p. 241.]
- July 28. **1286.** Similar Instructions for a Day of Thanksgiving to
Whitehall. the Governor and Company of Rhode Island. [C.O. 5, 1291. pp. 202, 203.]
- July 28. **1287.** Similar Instructions, *mutatis mutandis*, to Governor
Whitehall. Sir B. Granville. [C.O. 29, 9. p. 357.]
- July 28. **1288.** Similar Instructions, *mutatis mutandis*, for a Day of
Whitehall. Thanksgiving and breaking the old seal etc., to Governor Lord Cornbury. [C.O. 5, 1120. pp. 336-338.]
- July 28. **1289.** Similar Instructions to Governor Seymour. [C.O.
Whitehall. 5, 726. p. 312.]
- July 28. **1290.** W. Popple, jr., to Governor Dudley. *Acknowledges*
Whitehall. letters of March 10 and 22 and May 8, and March 7. Answer will be returned by the next shipping. *Communicates* H.M. Proclamation for a thanksgiving in both his Governments *as preceding*, and instructions for breaking and transmitting seals. [C.O. 5, 911. pp. 471, 472.]
- July 28. **1291.** W. Popple, jr., to Sir Edward Northey and Sir Simon
Whitehall. Harecourt. *Encloses* Order in Council, July 20. [C.O. 29, 9. p. 356.]

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July 28.
Bermuda.

1292. E. Jones to the Council of Trade and Plantations. I humbly acknowledge your Lordships' condescending goodness in not giving full credit to unfriendly informations [See May 3], *etc.*, being so far from truth that from the day of my return to these Island I have studied nothing with more eager zeal than to expunge all former differences by an unfeigned humility and respect to H.E. and a ready obedience to all his commands, and (as I well hoped) obtain'd H.E. generous promise to comply with H.M. Order in Council and a perfect reconciliation. But I soon found my longing expectation frustrated. The taking off my suspension occasioned matter of debate and articles *de novo* secretly drawn up agst. me. The records of the Secretary's office (or at least the most usefull part of them) were and still are kept from me. The arrears of rent of the Sheriffe or Provost Marshall and Secretary's lands are received and paid to H.E. the Governor by his own order, and still kept back by him and unaccounted for *etc.* I beseech your Lordships to suspend any further proceedings, till a Commission (which I humbly crave) may be sent hither to 4 or more indifferent persons jointly elected to search records, examine witnesses, and do what else may be necessary to the discovery of the truth and report the same. Your Lordships will then readily conclude I have acted nothing materially contrary to the known duty of my offices, or against H.E. in particular that could admit of such rigorous prosecutions, which I conceive are very unaturall, if not beyond example. *etc. etc. Signed, Ed. Jones. Endorsed, Reed. Nov. 13, Read March 4, 1705. 2 pp. [C.O. 37, 7. No. 21; and 38, 6. pp. 159-161.]*

July 29.
Windsor.

1293. The Queen to Governor Sir B. Granville. *As July 20 q.v. Countersigned, Ro. Harley. [C.O. 324, 30. pp. 34, 35.]*

July 29.
Windsor.

1294. The Queen to Governor Sir B. Granville. The High Court of Admiralty having reversed the judgment of the Vice-Admiralty Court of Barbados, and ordered the *Charles II* to be restored to Manuel Manasses Gilligan and Company, you are to see the said ship and her lading, or proceed thereof, restored accordingly. *Countersigned, Ro. Harley. [C.O. 324, 30. p. 36.]*

Aug. 4.
London.
[dated 1704
by error.]

1295. Mr. Dummer to W. Popple. *Gives the sailings of the Six Islands packet. Out and home 113 days, 12 of which were lost at Jamaica by overblowing contrary winds. She was also chased by several privateers West of Scilly, etc. Signed, E. Dummer. Endorsed, Reed. 4th, Read Aug. 10th, 1705. Addressed. 1 p. [C.O. 323, 5. No. 83.]*

Aug. 6.

1296. Sir Edward Northey to the Council of Trade and Plantations. I have considered the Acts of Nevis to settle the estate of Capt. Thomas Butler, deed., on his three sons, William, Thomas, and James Butler, and I find nothing therein contrary to law, or prejudiciall to H.M. royall Prerogative. I only observe that the saving the rights of others than the parties concerned

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is not in so decent and dutifull a manner as usuall, H.M. not being particularly named therein, but is included in the generall words of *all person or persons*, which I presume bath happened through inadvertency only; and H.M. right, if she have any, to the estate concerned in the Bill, will be saved by the generall saving. *Signed*, Edw. Northey. *Endorsed*, Reed. 6th, Read Aug. 10th. 1705. 1 p. [*C.O.* 152, 6. No. 20; and 153, 9. pp. 253, 254.]

Aug. 8. **1297.** Governor Dudley to [? *Sir C. Hedges*]. I am acquainted
New England. by the Gentlemen to whom Capt. Walton's Muster-roll was assigned, that there is a doubt of the payment thereof, upon the date of their muster-roll and too high charges for the souldiers' subsistence. *Explains at length* his care in raising the two Companies for Jamaica, as ordered June 23, 1702, and checking payments, muster-rolls, vouchers and quarters. "It has been truly said that I used all means to encourage that expedition, by saying that I hoped H.M. would favour them in the disburst upon them, and a discent upon the coast of New Spaine would make them all rich, and that there was an encouragement from the Assembly of Jamaica for officers and souldiers coming thither, which was all true, however, before they came thither H.M. had otherwise determined, and the Assembly of Jamaica had withdrawn their bounty and the souldiers were reduced to expect no more than the lowest establishment of England, without H.M. especiall favour. The establishment of this country is for every souldier in garrison 5s. per week, marching forces 6s., and for the last winter marches 7s. per week, besides the subsistance which these men might have had for service at home. In their return they were by the fleet carryed to Newfoundland, where they were almost starved with cold and came home sick. If this company and its just charge should be unpaid, it would gratifie those that were against that expedition, and perhaps discourage anything of that kind for the future." *Signed*, J. Dudley. *Endorsed*, R. Nov. 2. Q[*uery*] of ye Committee of Trade etc. 6 pp. [*C.O.* 5, 751. No. 73.]

Aug. 10. **1298.** Council of Trade and Plantations to Governor Parke.
Whitehall. Herewith is delivered unto you H.M. Seal for the Leeward Islands, together with a Warrant authorising the same. You are to cause the former Seal to be broke before you in Council, and transmitted to this Board etc. *as July* 28. [*C.O.* 153, 9. pp. 255, 256.]

Aug. 10. **1299.** Council of Trade and Plantations to the Queen.
Whitehall. *Recommend* Act of Nevis (*see* Aug. 6) to be confirmed. [*C.O.* 153, 9. pp. 254, 255.]

Aug. 10. **1300.** Owners of the *Charles* privateer (*see* No. 1274.xv.)
Boston. to the Council of Trade and Plantations. We applied ourselves first to Gov. Dudley for a Commission, but he would not grant it. The Governor of Rhode Island had no advantage in granting

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the Commission and never desired any. The Judge of the Admiralty forced us to pay 50*l.* to Governor Dudley and 150*l.* to himself for condemning the prize. *Pray* that they may not be so oppressed when they bring in prizes. *Signed*, Benj. Gallop, John Colman, John Wocker (*sic*). *Endorsed*, Recd. from Sir Charles Hobby, Nov. 6, Read Nov. 15, 1705. *Addressed*. 1½ pp. [*C.O.* 5, 863. No. 141; and 5, 911. pp. 479-481.]

Aug. 11.
Whitehall.

1301. Mr. Secretary Harley to Major Lloyd. I thought your whole demand had been fully answered by the arms *etc.* lately sent from the Tower, but I find you expect some other things and particularly 18 scaling ladders. I cannot see how they are now to be conveyed to you since you are under sailing orders and wait only for a fair wind (*from Portsmouth*). I took it, therefore, for granted you intended to have them made in Newfoundland *etc.* *Signed*, Ro. Harley. 1 p. [*C.O.* 194, 22. No. 41.]

Aug. 11.

1302. Same to the Board of Ordnance. Since you desire to have in writing what the Lords of ye Committee of Council ordered on Wednesday last to be sent to Newfoundland, the 20 colornes with the shells and stores proportionable should be sent with all possible speed to Portsmouth *etc.* and consigned to Major Lloyd. If it can be done without loss of time you are likewise to send 18 scaling ladders of not less than 20 ft. *Signed*, Ro. Harley. ¾ p. [*C.O.* 194, 22. No. 42.]

Aug. 12.
Jamaica.

1303. Governor Handasyd to the Council of Trade and Plantations. I have little to add since mine of July 18, but what you will be informed of by the enclosed Minutes of the Council and Assembly. I believe I have broke the knott of the factious party, our Assembly haveing hitherto gone on very unanimously in the Queen and Country's business. I am of opinion I have had a snake in my bosom all this while, for I do believe all the disturbances that have happened proceeded from Col. Beckford's family, which has always kept a handkerchief over my eys, under the pretence of friendship, but I have now discovered the deceit, and therefore hope to make things more easy than they have been for these two years past, and that the snare they have sett for me they will be catcht in themselves, it haveing always been my observation that honesty is the best policy. Several Acts have past the Councill and Assembly, but I have resolved not to pass them till H.M. business and the quartering Act be first brought in, for fear of being out-witted. Admirall Whetstone and H.M. men of war under his command are all gone out a cruise. The 6th inst., at night, we had a small earthquake, but I do not hear of any damage it has done. The Island is very healthy. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 2nd, Read Oct. 31st, 1705. 1 p. [*C.O.* 137, 7. No. 17; and 138, 11. pp. 433, 434.]

Aug. 12.
Jamaica.

1304. Governor Handasyd to Sir Charles Hedges. *Duplicate of preceding.* *Signed*, Tho. Handasyd. *Endorsed*, R. Sept. 30. 1 p. [*C.O.* 137, 45. Nos. 68, and (*duplicate*) 68*i.*]

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 Aug. 13. **1305.** Order of Queen in Council. Confirming Act of Nevis Windsor. (see Aug. 6). *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read Sept. 25, 1705. 1 $\frac{3}{4}$ pp. [*C.O.* 152, 6. No. 22; and 153, 9. pp. 260-262.]
- Aug. 13. **1306.** Order of Queen in Council. Upon the petition of his Windsor. Agent, ordered that A. Skene be not dismissed (*as* July 20), but suspended as Secretary of Barbados, and that he return his answer in writing to all such papers as have been presented to the Council of Trade and Plantations against him, copies whereof they are forthwith to transmit to him, whereupon H.M. will declare her further pleasure. But that, nevertheless, the Governor do cause Skene to be prosecuted *as ordered* July 20, and that he be permitted to have affidavits taken in his behalf relating to the same without any discountenance or molestation whatsoever. One of H.M. Principall Secretaries of State to signify H.M. pleasure to the Governor accordingly. *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read Aug. 29, 1705. 2 $\frac{1}{2}$ pp. [*C.O.* 28, 9. No. 3; and 29, 9. pp. 363-365.]
- Aug. 15. **1307.** The Queen to Major Lloyd. Commission to hold Windsor. Court Martials on the garrison at Newfoundland. *Signed*, Anne R. 2 pp. [*C.O.* 194, 22. No. 43.]
- Aug. 15. **1308.** John Colman to the Council of Trade and Plantations. Boston. *Repeats* Nos. 1274.xv., xvi., and 1300, concerning the *Charles* privateer. *Continues* :—Coll. Dudley told me very lately he was ordered to send home an account concerning a prize brought into Rhoad Island some time since by Capt. Lawrance and Capt. Blew, and desired me to draw up a deposition concerning my going there and being refused the Admiral's dues, which accordingly I did and shewed it to him, on which he told me I need not speak too much in their favour, I answered I ought to speak the whole truth, but I perceive it doth not please him, for since he saw what I wrote hath never asked for it to send to your Lordships, and I know hath delivered his letters to the Master of the vessell. I inclose the very paper I had drawn up and shewed H.E. I must say as I shall answer it hereafter I have always found Governour Cranston ready to do justice in all matters I have been concerned with him in, with respect to the Admiral, *etc.* I have been told the value of that prize taken by Capt. Lawrance and Blew hath been wrong represented. The ship and cargoe was appraised by as good men as any in that Government (in the opinion of all that knew them) and the whole amounted to 2,123*l.* 5*s.* and no more. The Governour indeed did not admit me to receive the tenths for the reasons given in the within depositions, but he put the matter as he then told me into the hands of the Queen's Collector, who is esteemed a man of as much honour and justice and the very best bottom of any man in the place, and I have since received the greatest part of it of the Governor, and the rest he tells me is ready. *Signed*, John Colman. *P.S.*—Aug. 23. I have been with the Governor and

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desired an account of what gold etc. was recovered from the pirates etc. [See No. 1274.iv.] There were two negroes, one sold for 40*l.*, and I am told the other the Governor's son, who is Queen's Attorney, hath at 20*l.* who is a rich penny worth at 40*l.* I had lately some talk with one of the Council about the treasure, who told me the country had been at 1,500*l.* charge about it, which must be paid out of the same. I asked how it was possible the charge should swell so. He answered there was the sloop to pay for which Captain Cary went in to carry the news to England, which I think will be an abuse to the Queen, for the owners of the vessell the piracy was committed in did offer their vessell to go for 90*l.* per month, and they would run the risque of her, and she would in all likelihood have performed the voyage in three months, being a prime sailor, and they sent a full vessell fit only to carry merchants goods, and I think also I have been very much slighted in this matter, that the treasure should be taken out of my hands, who had given security in England for my place, and put into the hands of others and I kept in the dark, that am not capable to render any account about it but what I am beholden to others for. *Signed*, John Colman. *Endorsed*, Recd. from Sir Charles Hobby, Nov. 6, Read Nov. 15, 1705. *Addressed*. 2½ pp. *Enclosed*.

1308. i. Being deputed by the Honble. John Dod, the Receiver of the rights and perquisites of H.R.H., Lord High Admiral, to receive what might become due to H.R.H. in these parts, and being informed there was a prize brought into Newport by Capt. Blew, Commander of a private man-of-war, by the advice and direction of Governor Joseph Dudley, I went to Rhode Island and showed my Commission to Governor Cranston and informed him that I was come per the advice and direction of Col. Dudley who, I understood, was Vice-Admiral there, to demand the tenths of said prize, but Governor Cranston, on perusal of my Commission, found it said for Boston and the districts thereof, whereupon he answered they were no district of Boston and could not admit me to be the Receiver there by virtue of that Commission, adding that he had put that matter into the hand of the Queen's Collector. I then wrote to Mr. Dodd, who sent me another Commission empowering me to be the Receiver over all New England and Rhode Island, and about same time H.M. Commissioners for Prizes sent me a deputation to be the Queen's Receiver also, which as soon as I received I advised Governor Cranston of, who then shewed all respect to me as the officer and accounted with me for the tenths of the prize aforementioned, part whereof is yet in his hands. Boston, Aug. 10, 1705. *Signed*, John Colman. 1 p. [C.O. 5, 863. Nos. 142, 142.i.; and 5, 911. pp. 482-488.]

Aug. 15. **1309.** Major Lloyd to Mr. Secretary Harley. *Repeats proposals* of March 29 for reducing Placentia, as to credit and

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subsistence for soldiers *etc.* See following. Signed, Tho. Lloyd.
Endorsed, R. Aug. 15, 1705. 2 pp. [C.O. 194, 22. No. 45.]

Aug. 16. **1310.** [? Mr. Secretary Harley] to the Duke of Ormonde.
 W[white] H[all]. Major Lloyd having proposed this day to the Lords of the Committee that 2*d.* per diem subsistence money for the [460] soldiers designed from Ireland, and bedding at two men to each bed, should be sent with them from thence, it is H.M. pleasure that your Grace do give such directions therein as are necessary. *No signature or endorsement.* 1 p. *Annexed*,
 1310. i. Memorandum for above Letter. $\frac{1}{4}$ p. [C.O. 194, 22. Nos. 44, 44.i.]

Aug. 16. **1311.** [? Mr. Secretary Harley] to the Lord High Treasurer.
 Cockpit. *Encloses following.* The Lords [of the Committee of Council] think it reasonable Major Lloyd should have 300*l.* credit allowed him. Your Lordship will please to give the necessary directions. I enclose papers relating to the Officer of Prizes in Newfoundland. *No signature or endorsement.* 1 p. *Enclosed*,
 1311. i. Copy of Major Lloyd's proposals. See No. 1309. 1 p. [C.O. 194, 22. Nos. 46, 46.i.]

Aug. 25. **1312.** Commissioners appointed to enquire into the complaints of the Mohegan Indians to the Council of Trade and
 Stonington in the Colony of Connecticut. Plantations. In pursuance of H.M. Commission we assembled here on the 23*rd.* and when we came to Panecatuck River, the edge of this Colony, we were met by Major Whiting and a small troop of horse, who acquainted Col. Dudley that he was sent by Gov. Winthrop to bid him welcome and to conduct him to Stonington, where we were to sit, as soon as we arrived Col. Dudley produced H.M. Commission, and had the same in the presence of H.M. subjects assembled in a great number as well as Owaneco and the Indians published, and then in open Court took the oaths appointed instead of the oath of allegiance and supremacy and subscribed the Declaration, and then proceeded to swear all the members present, being 10 in number, who also signed the Declaration. Some Gentlemen of the Colony produced a letter from Govr. Winthrop to Col. Dudley to acquaint that the six gentlemen named in the letter, who presented it, were appointed to attend the trial and to make answer, who should also be assisting to summon witnesses and what else the Court had need of. The sd. Gentlemen desired a copy of H.M. Commission, which was delivered the same evening. The Court adjourned till the 24*th.* when Col. Dudley and the Gentlemen drew to the place where they were to sit, William Pitkin, John Chester, and Richard Christopher, three of the Assistants of the Colony, Eleazer Kemberly, Secretary, William Whiting and Richd. Lord, who were the six Commissioners named in Governor Winthrop's letter as Managers and Answerers for the Colony, drew up to Col. Dudley and told him they were come to read a paper to him, he told them the Commissioners were just sitting down, and when the Court was opened, they should be heard;

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the[y] insist upon it to read it presently, and he refused it and proceeded to open the Court. The Sheriff of the County came up to us and commanded silence in a very imperious manner, and the Gentlemen went on to read their paper, and then laid it down on the Board and drew off a very little distance, but within hearing of the Court, and then proceeded again to command silence and read publicly a protestation against the Court, and then returned several times in a very insolent manner while the Court was publicly proceeding in reading papers and hearing the complaint. Col. Dudley prayed them to be patient, they should be heard in their turn. Whiting told him boldly they had no business, and Chester they would not be put upon, and Saltonstall, one of the persons complained of for entering on the Indian lands, said the Commissioners were no Court, and that H.M. commands contradict one another, and that he was forbidden to answer by the Government, and one of their Ministers present when an evidence was swearing, drew him back by the sleeve to hinder his oath. In a short time after they withdrew, and the Court had opportunity to proceed more peaceably, and proceeded to swear Elisha Pain and Jedediah Fitch, to whom Col. Dudley had given warrants to summon the intruders, who gave oath to the returns of their warrants, having summoned a great number of persons. All of whom were called in Court and commanded to attend their concerns, but no one of them appeared: We then proceeded to the complaint particularly, and went through distinctly all the articles contained in a report sent herewith. And again in the afternoon sat and called the Intruders and persons summoned to attend their concern, but no body answered, tho amongst the many persons present many of the Intruders that had been summoned were present, and refused to answer, as Mr. Saltonstal, one of them, told the Court, that he dare not answer, being forbidden by the Proclamation of the Government. We are as particular in our report as we can, and unanimous in our opinion, that Uncas and Owaneko are the only steady Sachins in this Province to the English interest, in all times without the least challenge; that the Indians of his Tribe have marched at all times in the service of the English, and bin very successful in these 70 years past; that by the disposall and grants of the General Assembly of this Colony, and by particular persons entering upon their Land, if they prevail therein, wil leave nothing that we are advised of to the whole tribe of the Mohegin Indians; that the said Indians are in the last distress and trouble, and under the greatest provocations to desert the English interest, which will be to the great disturbance of all H.M. Governments. We humbly pray that our service herein may be acceptable to H.M., and that H.M. commands may be speediely given to this Colony, least the Indians think themselves neglected, and the persons concerned for them to manage and bring in papers and evidences be oppressed and insulted, as they acquaint us they are threatened. Owaneco and his tribe attending at the Tryall offer their humble duty to H.M., promise publicly to continue faithfull, and pray to be

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supported, *etc.* Signed, J. Dudley, Edwd. Palmes, G. Sylvester, Jahleel Brenton, Natha. Byfield, James Avery, John Avery, John Morgan, Thomas Leffingwell. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 170 $\frac{5}{8}$. 3 pp. *Enclosed*,

1312. i. Proceedings of the Court of Enquiry and determination of the complaint of the Mohegan Indians, holden at Stonington, Aug. 23, 1705. Signed, J. Dudley. Boston, Nov. 3, 1705.

(a) The judgment of the Court confirms the justice of the Mohegans' case and complaint. [See C.S.P. 1703. No. 153.] The Court determine (1) that Owaneco is the true Sachem of the Mohegan Indians. (2) That he and his ancestors have always been loyal to the Crown of England (3) and that the Government of Connecticut have by several treaties acknowledged them to have lands of their own etc. (4) The Mohegan Indians had an undoubted right to a very large tract of land within that Colony, lying to E. of Connecticutt River, and the English inhabitants of New London, Norwich, Stonington and others have acknowledged their right to those lands, and many years since purchased of Owaneco and his father considerable parcels of lands belonging to the said towns, of which purchases Owaneco makes no complaint. (5) All the lands that were reserved unto Owaneco and the Mohegan Indians in 1683, were distinguished into planting and hunting grounds; their planting ground part of it scituat between New London and Norwich and contains 8 miles in lenth and 4 miles in breadth, one smaller tract about 9 miles in lenth and 2 miles in breadth lying on the N. bounds of Lyme, one other very large tract of hunting lands lying between the bounds of the towns of Norwich, Lyme, Lebanon, Metabesset and Haddam. (6) The Government of Connecticut in 1683 impowered a Committee, one of whom was the then Governour, to settle the bounds between Uncas and the Plantations to which his lands adjoyned. Return was made accordingly in 1684 and approved by the General Court, which Survey, since the arrival of this Commission, has been revised by Capt. John Chandler etc. (7) Uncass, to secure his lands or some good part of them to his family and people, in 1659 and again in 1665, did make over his lands in that country to Major John Masson, Deputy Governor of that Colony, and of great friendship with Uncass, for the Indians' use, and Masson in 1671, the better to secure some of their lands to them and their posterity, reconveys to Uncass and others and their heirs that tract of land between New London and Norwich for their planting, with an express limitation on that deed that neither they nor their heirs should ever alienate the same, which after that time passed commonly by the name of the sequestred

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lands. (8) The Government of Connecticut approved of Major Masson's being Guardian of the Mohegans during his life, and of Major Samuel Masson, his son, after his death, and in 1660 provided and determined that the lands of the Mohegans should be disposed of and ordered by Masson in 1692, for the more effectual securing to them their reserved remaining lands, directed that none of the lands, recorded and confirmed to Owaneco, should be passed away without the consent of Capt. Masson aforesd. (9) Contrary to these reservations and treaties, the Government of Connecticut have granted away considerable tracts of the planting grounds of the Mohegans amounting to about 3,000 acres, and in particular to the present Governor and Gurdon Saltonstall, the Minister of New London, 400 acres, which upon oath is found to be 1,100 and upwards, and in Oct. last the Government by a patent under the Seal of the Colony granted the whole tract abovementioned, being the planting ground of the Indians, to the Proprietors of New London and their heirs for ever. (10) The Mohegans have been very unjustly turned out of planting ground called Massapeage, lying within the township of New London, the improvement of which land is reserved to them by their deed to New London. (11) The town of Lyme, under pretence of their grant of their township from the Colony have taken into their improvement that tract of the Mohegan lands bounded upon their township containing about 9 miles by 2. (12) One other very large tract of their hunting ground is granted away from the Mohegans to the township of Colchester, viz. between Norwich, Haddam, Lyme, Lebanon and Mattabesset. (13) The Mohegans are a considerable tribe, consisting of 150 fighting men, formerly a much greater number, and cannot subsist without their lands. They have been extremely grieved at these proceedings and have frequently applied to the General Assembly for redress, but could obtain none, whereby they have been reduced to great want and necessity, and are in great danger of deserting their ancient friendship. The Court are unanimously of opinion that they ought to be restored to the said lands, *enumerated*, and that Owaneco Uncass recover his costs. And that the Government of Connecticut be required immediately to cause them to be so restored, according to H.M. letter, March 23, 1703[4]. *Signed, as preceding.*

(b) Copies of evidence upon which the foregoing judgment was based. *The whole endorsed*, Reed. Dec. 31, 1705, Read Jan. 23, 1705. 81 pp. [C.O. 5, 1263. Nos. 56, 56.i.; and (without enclosure) 5, 1291. pp. 296-303.]

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Aug. 26. **1313.** Mr. Clifford to the Council of Trade and Plantations. Fleet Prison. *Prays* that the States General may be moved to permit him to sell his estate in Surinam *etc.*, and that they may account for some sugar made on his plantation there since 1695. *Signed*, Jer. Clifford. *Holograph*. 2 pp. *Annexed*,

1313. i. The claim of Jeronimy Clifford. *Endorsed*, Reed. Aug. 25 (*sic*), Read Oct. 12, 1705. 1 p. [C.O. 388, 75. Nos. 130, 130. i.]

Aug. 27. **1314.** Certificate of Owners of *Portsmouth* gally, that, whilst London. lading with salt at Exhuma, she was taken by a Spanish privateer and carried into the Havanna, April, 1704. *Signed*, Wm. and Jno. Crouch, John Eceleston, Tho. Humfreys. *Endorsed*, Reed. Read Aug. 28, 1705. 1 p. [C.O. 137, 7. No. 9.]

Aug. 27. **1315.** J. Burchett to Mr. Secretary Hedges. The shipp's of Admiralty Office. warr which were bound to the Plantations, and receiv'd damage in the late storm, being now refitted, I desire to know whether they shall now proceed from Spithead. *Signed*, J. Burchett. 1 p. [S.P. Naval, 7. *Under date*.]

Aug. 28. **1316.** Governor Seymour to the Council of Trade and Maryland. Plantations. I presumed to give you an account how our affaires stood here by Coll. Quarry, who went hence in the *Oxford* friggott that touch'd at Virginia *etc.* Having seized several of the Conspirators and Accomplices, who were concerned in the Plott [see July 3], I directed a speciall Commission for their more speedy tryall, and the Grand Jury found all the Bills; but the Petit Jury, like true Americans, quitted 'em all but two, and those I have consented to sell to some of the Islands for the country's good; But Clarke, the ringleader and Capt., stands out still, in defiance of all Law, and repeated Proclamations, not having been heard of these two months, so that it is thought he is designed to turne pyrate, and reported that with severall other loose idle persons, who are much indebted on account of protested Bills of Exchange, the epidemically distemper this Country now labours under, gone quite away in a small sloop, but a very good sailer; I have given notice thereof to the severall adjacent Governments in order to suppress them. I received your letter and a great Seale by Coll. Nott, and shall endeavour my best allways to obey H.M. Royal Orders and Instructions; but doubt this Province will never consent to the building Towns, as H.M. desires, without a short Act or an Order from England compells them, for the same self-ended reasons they have allways refused it [see July 3]. As to your Lordships' directions about Tarr and Navall stores, all care shall be taken, and the Act to encourage the Continent of America will not only be of good use to all H.M. subjects in the several Colonys, but of great service to our Native Country, England. When their crops here are in, and the season of the year gives the Country better leisure than at present, I intend to lay all these matters home to the Assembly, and by the first safe conveyance after, shall,

Wt. 2710.

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God willing, transmitt their Resolutions, *etc.* Signed, Jo. Seymour. *Endorsed*, Reed. 3rd, Read Dec. 10th, 1705. 2 pp. [*C.O.* 5, 715. No. 88; and 5, 726. pp. 346-348.]

Aug. 28.
Maryland.

1317. Governor Seymour to [*Sir C. Hedges*]. *Duplicate* of preceding. Signed, Jo. Seymour. *Endorsed*, R. Dec. 1, 1705. 2½ pp. [*C.O.* 5, 721. No. 4.]

Aug. 30.
Whitehall.

1318. Council of Trade and Plantations to Lt. Governor Bennett. Since ours of July 28, we have received yours of March 31, and April 4, and have also received all the letters you mentioned to have writ us except that of Jan. 31. The last letter you mentioned to have received from us is of Nov. 30 last, since which we writ to you on March 6, April 26 and 27, May 30, by way of Barbadoes, which we doubt not before this but that you will have received, having sent duplicates thereof by the same way. *Enclose* Order in Councill concerning Lieut. Henley. As to Mr. Jones's demands of the rents, issues and profits of his offices during his suspension, we do think it sufficient that one half thereof be paid to him, and that the other half be enjoyed by the person that executed the said places, as in all the other Plantations during the absence of the patentees. As to your dispute with Mr. Jones about keeping and using the publick seal, we judge it to be your right to keep the said seal, but upon applying the same you are to make use of H.M. Patent officer. And as to the keeping and securing the stores, there is no doubt but that the superiour care thereof dos appertain to you as H.M. Lt. Governor, and that no part of them is to be issued out otherwise than by warrant under your hand, which dos not hinder but that H.M. Secretary and Provost Marshall should be made use of for the ministerial keeping and issuing out the said stores pursuant to your warrants, and not otherwise, which you may communicate to Mr. Jones by shewing him this letter. And we have taken order that Mr. Jones is informed of our directions that he shall behave himself with civility and respect to you as to his superiour. [*C.O.* 38, 6. pp. 140-142.]

Aug. 30.
Whitehall.

1319. Council of Trade and Plantations to Lt. Governor Johnson. Since ours of July 28, we have received yours of March 22, 24 and May 26. We have also received a book of Nevis Laws, which seem to be a collection only of such laws (2 or 3 excepted) as have been confirmed here; whereas what is required by H.M. Instructions is a compleat collection of all the laws in force, whether confirmed or not; besides we observe that several of the laws in that book (a list whereof is here inclosed) were past at Antego, which ought not to have been mixed with the Nevis Acts. We desire you therefore to explain these things to us in your next. Your successor, Col. Parke, he is preparing for his departure from hence, but we believe will not be so soon with you for want of a fitting conveyance, which he will hardly obtain, untill the return of our fleets. *Annexed*,

1319. i. List of Acts referred to in preceding. [*C.O.* 153, 9. pp. 256-259.]

1705.

Aug. 30. **1320.** W. Popple to Mr. Tryon. *Encloses* copies of papers
Whitehall. against Mr. Skene this day transmitted to Barbados. [*C.O.*
29, 9. p. 367.]

Aug. 30. **1321.** W. Popple, jr., to Guy Ball. Gives notice that a
Whitehall. copy of his affidavit has been sent to Mr. Skene. [*C.O.* 29, 9.
p. 368.]

Aug. 30. **1322.** Council of Trade and Plantations to Governor Sir B.
Whitehall. Granville. We cannot doubt but you will have received our letters
of April, May and July, though you only acknowledge (June 10),
the receipt of ours of March 6, the reason of which we suppose
comes from the packet boats having been stopped here for a
considerable time. You will have been informed by your Corres-
pondents of what H.M. has been pleased to determin in relation
to the complaints preferred here against you, which we suppose
will be to your satisfaction, and as it always is our care to support
the dignity and authority of H.M. Governors, so we hope on
your part you will use your best discretion in endeavouring to
unite the minds of H.M. subjects in carrying on the publick
service and contributing to the peace and welfare of the Island.
Enclose Order of Council relating to Mr. Skene, Aug. 13, and
depositions to be delivered to him *as ordered*. As to the matter
of the coin in the several Colonies in the Plantations, we have
the same under consideration, and have referred to the Attorney
General to find out the proper means of rendering H.M. commands
therein effectual in all her Plantations. And, whereas we under-
stand that the Assembly are waiting in reference to the Fortifi-
cations for H.M. pleasure relating to the $4\frac{1}{2}$ p.c., which they would
have applied to the use of the said fortifications before they
proceed any further therein, we do not know of any late applica-
tion therein. [*C.O.* 29, 9. pp. 369-371.]

Aug. 30. **1323.** Council of Trade and Plantations to Governor
Whitehall. Handasyd. Since ours of July 28, we have received yours of
June 11. Tho you only acknowledge ours of March 6, we doubt
not but that before this comes to your hands you will also have
received ours of April 2, 20 and 26 and May 23, which have been
detained here by the stop of the packet boats for a considerable
time. We have under consideration what you write about the
flag of truce, from Petit Guavas, as also a petition of Peter Dyer
[see July 11]. We shall at the same time be mindful of what
you write to us, Dec. 17, against exchanging prisoners in America,
and we shall not fail to give you timely notice of what shall be
determined thereupon. We doubt not but that by your prudent
management of the Assembly you will have perswaded them
to pass another Act for the quartering of soldiers. We shall
lay before H.M. your recommendation of Col. Edlyn to be of
the Council, and shall give you notice of H.M. determination
thereupon. As to the other parts of your letter, we are glad that
matters within your Government are in so good a condition and
have nothing further to add. [*C.O.* 138, 11. pp. 408, 409.]

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[Aug. 31.] **1324.** Mr. Penn's Reply to the objections [*of the Council of Trade and Plantations*] to some Pennsylvania Laws. [*See No. 1278. i.*] (1) It's agreed that Law be returned, but let ye simplicity of the times in that wilderness excuse inexpertness. Pray word it better for us. (2) Agreed to be returned and amended. No need of using H.M. name, when the names used stand upon ye Queen's authority. (3) I cannot help it, 'tis ye great Charter yt. all Englishmen are entituled to, and we went not so far to loose a tittle of it. (4) Agreed to be amended. (5) I think a word no reason to lay by, or delay so material a Law, when there are words enow besides to answer ye end, nor have we yet Church places to authorise it. (6) I am of opinion my surrender will best repeal yt. part which regards fidelity to me. I cannot see any reason to out ye People that made it a country from ye Government of it, for their tenderness about an oath, that went thither to avoid it with other things. And for stiles of officers, they were under no obligation to symbolize with England. Carolina dos not, and yt. weh. is called Mayor in one place is a Bayliff in another, and in Ireland in divers places Sovereigne. (7) When the Government is surrendered, to be sure it becomes useless. (8) Agreed to be amended. (9) Under favour, you will find power of ports in me, since 'tis one of the clauses to be surrendered by me, nor dos the Act reach but to Colonys in H.M. disposition, nor undo what is done, nor compel the Queen to it. (10) The same answer serves. (11) Agreed to be amended. (12) It is not to be wholly hindred, and if done, then to be done not fraudulently. Nor can reason of State in prudence or justice put one man's commodity, as this will, upon another at ye seller's price. As good forbid wearing shoos at all. (13) I desire only the priviledges truly Proprietary, or as Ld. of the Soyle, except ye Queen pleases at ye instance of ye Board to make a farther distinction. (14) I presume they are not inconsistent. (15) But yt implies ye Crown's authority, under which they claim the same in Palatinats and Corporations here. (16) I must submit to Lawyers, but the nature of that Act, and its extent deserves to be explained and settled. (17) A clause in the Surrender may regulate it. Till the Surrender is perfected, 'tis good, and that I pray with expedition. (18) Since so stiled by ye Kings and Queens, it must be no fault to use it, nor is there inconveniency in it. (19) It is in our Courts and Acts of Courts and in ye Rolls *By ye Queen's authority and name of ye Proprietary*, being the old forme, and it must be an undesigned omission, but ye by Laws of our great Towns here I suppose do ye same thing. *Signed, Wm. Penn. Endorsed, Recd. Read Aug. 31, 1705. 2 pp.* [C.O. 5, 1263. No. 28.]

[Aug.] **1325.** Heads of Instruction for the Commanding Officer of the troops on board [*for Newfoundland*]. To observe such orders as the Commodore shall give him for keeping this design secret *etc.* 1½ pp. [C.O. 194, 22. Nos. 48; and (*rough draft*) 47.]

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[Aug.]
Windsor.

1326. H.M. Instructions for Major Thomas Lloyd. Whereas the Trade of Newfoundland is of great advantage to our subjects and therefore well deserves our care, not only to secure our present settlements there, but also to gain new acquisitions from the French now in war with us, and to that end we having thought fit to send an additional force of 460 men to join those already there and the inhabitants as far as they can be made useful, in order to make an attempt upon the French settlements in Newfoundland, and particularly on Placentia, you are upon the arrival of the said forces to consult with the C. in C. of our ships appointed to convoy the transports and forces thither of the best place for landing them, and accordingly to make an attempt upon such of the French settlements as you shall judge to be most practicable and likeliest to succeed in, and particularly upon Placentia, according to the proposals you have made to us, *etc.* If you shall take any of the French settlements, you shall leave a Garrison in them as you and a Council of Land-Officers shall judge sufficient to keep them, and the rest of the said men you are to return to England by the transports and men of war. *Corrected draft.* 6 pp. [C.O. 194, 22. Nos. 49, 49.A.]

[Aug. ?] **1327.** [*Sir C. Hedges to ? Major Lloyd.*] The C. in C. of the convoy will deliver you H.M. Instructions [*above*] when you are in a particular station at sea. You are to open them in the presence of each other, and to communicate them to him, as he is ordered to do his to you. $\frac{3}{4}$ p. [C.O. 194, 22. No. 50.]

Aug.
Windsor.

1328. H.M. Instructions to the Commander in Chief of the troops appointed for service in Newfoundland. Upon your arrival you are to follow Major Lloyd's orders and land as he directs, *etc.* It is of the greatest importance that this design be kept with all imaginable secrecy. $1\frac{1}{2}$ pp. [C.O. 194, 22. No. 51.]

Sept. 1.
Whitehall.

1329. Council of Trade and Plantations to Mr. Secretary Hedges. In pursuance of your letter of Aug. 24, we have considered a Petition of the prisoners in the Spanish West Indies [July 11 *q.v.*] and having been attended by Peter Dyer [*see* Nos. 1236 and 1330], we are humbly of opinion that H.M. be pleased by her Royal Letters to direct the Governor of Jamaica to endeavour by sending a flag of truce to the Havana or elsewhere to procure by an exchange the liberty of H.M. said subjects, and to make the Spaniards in those parts sensible that unless they do comply herein he shall be obliged to use the same severity to such Spaniards as now are or may come into his power, and that he do likewise by the best ways and means give H.M. said subjects to understand that such orders are given to him, and that H.M. will not be forgetfull of their good services, but do all that in her lyes for their redemption. As to Dyer, we have asked him several questions relating to those parts and are expecting his answer thereunto in writing. *Autograph signatures.* 2 pp. [C.O. 318, 3. No. 24; and 138, 11. pp. 410, 411.]

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Sept. 1.

1330. P. Dyer to the Council of Trade and Plantations. Being ordered by your Honours to give an account of the distinction the Spaniards make of English prisoners taken in America before the war and since, I can make none. They are sent alike to the mines, particularly Isaack Hambleton, Captain of a privateer out of Boston, all his offence being that he took 3 of their vessels in the Bay, and also one Abraham Hiams, an English Jew, with several others. Those before the war were killed in cold blood, and so are those since, as for instance those that went to take the town of Jaquo on the main, who being surrounded, after a stout resistance, yielded on promise of fair quarter, which they had for five days, and then were drawn out by 4 and 5 at a time and so most barbarously murdered, yt. very few escaped, also ye *Graville* frigotte of London, yt. was taken a loading of salt in Island of Exhuma, where 6 or 7 days after they were taken and in sight of the Havanna, had 6 of their men smother'd and one killed with a pistoll ball, which cruelty a great many others have suffered. Those before the war were sent aboard their gallies and ships of war, and likewise made to work in their fortifications and to build their castles and churches, where several perisht under their burthens and through the cruelties of the soldiers, wch. those since the war have been serv'd the same, as witness the fortification and castle at La Vera Cruz, Campichea, Havana *etc.*, where severall has perisht under their burthens and by ye cruelty of ye soldiers. Those taken at Providence never suffered so much before the war as those taken since, witness that horrid and unparall'd cruelty they committed on the Governor's wife, having first defil'd her, as they did to several others, because she would not confess her husband nor treasure where they lay hid, they took her and beded her, and yn took rum and set on fire, and put it in her private part, and to make their spleen appear yet greater they cut of a picce of the same, so that their cruelties and unheard of tragedies has been such towards H.M. subjects both before the war and since yt. neither tongue nor pen can relate, but those yt. either have been fellow-sufferers or eye-witnesses. *Signed*, Peter Dyer. *P.S.*—The relation of the misfortune of the Governor's wife of Providence, I had from the actors of ye said tragedy, of which they boasted not a little in ye Havanna. *Endorsed*, Recd. 4th. Read Sept. 25th, 1705. 2 pp. *Enclosed*,

1330. i. An account by John Fingass of several Spanish Ports and their fortifications in America, which he hath been in a trading. 5½ pp. [*C.O.* 137, 7. Nos. 10, 10. i.; and 137, 51. No. 8.]

[Sept. 1.] **1331.** [*Mr. Penn's Requests.*] Prayed from the Queen at the Surrender. (1) To confirme our constitutions and Laws not excepted against by ye Attorney General, and such when amended to be confirmed alsoe. (2) To grant liberty of conscience both as to Faith, Worship and Discipline, and by publick and private meetings relating thereunto when and where they please in their own houses or places built, or to be built for that purpose by them. (3) Liberty for our own education by Schools of our

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own and such masters, mistresses and ushers as we shall appoint. (4) To marry according to our way and method, and such marriages to be allowed and held good and valued to all intents and purposes. (5) To be exempted from forced maintenance to any clergy wtsoever, and from building and repairing any meeting-houses or houses for religious worship under any name or pretence whatsoever. (6) To be exempted from Militia services and charges thereof, so as we watch and ward in times of trouble. (7) I and my male issue to pay no taxes for our mansion or chief Plantations. (8) The Queen to pass these by grant, and to confirme the same by giving her royal assent to such a Law when presented to her from ye General Assembly of the Province. *Endorsed*, Recd. Read Sept. 1, 1705. 1 p. [C.O. 5, 1263. No. 30.]

[Sept. 1.] **1332.** Abstract of the clauses in Mr. Penn's grant which he is contented to surrender. *Endorsed*, Recd. Read Sept. 1, 1705. $\frac{3}{4}$ p. [C.O. 5, 1263. No. 31.]

Sept. 3. **1333.** Mr. Dummer to Mr. Popple. Gives sailings of the
London. *Frankland* packet. Out and home 100 days *etc.* *Signed*, E. Dummer. *Endorsed*, Recd. Sept. 4, 1705. *Addressed*. 1 p. [C.O. 323, 5. No. 84.]

Sept. 3. **1334.** Mr. Secretary Hedges to Governor Handasyde. Yours
Winchester. of June 11 and July 18 came to hand on Saturday last, and having been laid before the Queen, she very well approved of what you have done concerning ye French Flag of Truce, and in sending home the officers of Col. Livesay's Regiment. H.M. would have been well pleased if the service had permitted to have exchanged all the private men according to her Royall declaration, but the difficultys of doing it this year were insuperable; now the two Regiments are incorporated, and Livesay's officers are coming home, I have been informed that the private men are well enough satisfied in staying, as some merchants are positive that the clamour for not exchanging them has been occasioned by the officers only, which matter if true would be very acceptable here, since fresh men are not so usefull as those that are season'd. I should be glad to know your opinion whether the men are contented to stay longer, and what may be proper to be done for making them easy there, which H.M. does not doubt but you will be mindfull of, being satisfied of your zeal for her service; she has been pleased to approve of your appointing Lt.-Coll. George Waller Justice in the place of Col. Beckford, as she does of your proposall for Col. Edm. Edlyn's succeeding Col. Asheough in ye Councill, wh. you may value as marks of H.M. favour out of the regard she has to your service. It is very good news to hear of so considerable a Fleet coming with money and plate, and that Admirall Whetstone has had so good success, you will do well to send an account of the prizes he has taken, as also of that taken by the Jamaican privateer. The sending of pirates hither without evidence creates an expence to H.M. to no purpose, it would be much better to have the evidence sent from Barbadoes,

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if the criminalls can't conveniently be sent thither, you have authority enough for their tryall, and it would have more effect if those criminalls were made examples in or as near as possible to the place where ye facts were committed, and the prosecution should be always as quick as possible when the crime is fresh, and witnesses are easily found, the intention of the law being to deter others from committing the like villanies, whereas they always escape here for want of proofs, which gives them as well as those of the same gang too great encouragement, the avoiding of this inconvenience is what I have to recommend to your care, whenever hereafter you have any pirates in custody, and that ye pirates be not sent hither to be tryed, unless there be some important reason for it, or you want authority for holding a proper Court for that purpose. I have sent to my Lord Treasurer an extract of your letter of Feb. 27, concerning 4 months pay to the soldiers to be advanced for his Lp.'s consideration; I hope by my next to send you some acct. of what will be done in it. *Signed*, C. Hedges. [C.O. 324, 30. pp. 39-41.]

Sept. 3. **1335.** Mr. Secretary Hedges to Governor Seymour. I have
Winchester. but two days since recd. your letter of Sept. 29 last. An extract of what you write concerning the brigantine is sent to my Lord Treasurer, who will give directions to the proper officer to take care of the Admiralty-rights. The other passages in your letter concerning the Jesuits and Quakers are sent to the Attorney General for his opinion, which shall be transmitted to you by the next packet, it being for the publick service that some methods be taken for putting the Laws in execution for the necessary support of the Government there, and the publick good, towards the doing whereof your observations are very right and deserve a serious reflection. *Signed*, C. Hedges. [C.O. 324, 30. p. 42.]

Sept. 3. **1336.** Mr. Secretary Hedges to Governor Sir B. Granville.
Winchester. *Acknowledges* letters of May 16, June 24 and April 8th, the original whereof never came to my hands, etc. *Signed*, C. Hedges. [C.O. 324, 30. pp. 41, 42.]

Sept. 4. **1337.** Mr. Secretary Hedges to Governor Sir B. Granville.
Winchester. Instructions as to the suspension and prosecution of A. Skene, as ordered Aug. 13. *Signed*, C. Hedges. [C.O. 324, 30. pp. 38, 39.]

Sept. 6. **1338.** W. Popple, jr. to W. Lowndes. *Encloses*, to be laid
Whitehall. before the Lord High Treasurer, an extract of Minutes of Council of Barbados relating to a notorious breach of the Acts of Trade and Navigation by Robert Corbett, one of the Custom House Officers in Bridge Town. [C.O. 29, 9. p. 372.]

Sept. 7. **1339.** Major Lloyd to Mr. Secretary Hedges. Refers to
Portsmouth. enclosure, "to which I had no answer. . . . The 107 shyrtts
12 a.m. mentioned bad were all to raggs. The great necessity they were in obliged me on my account to venter to supply them to ye

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value of 60 odd pounds. The honble. Mr. St. Johns has been pleased to write me word that two months subsistence is ordered for ye soldiers now with me, but having not yet received it, hope it is ordered for me att Plymouth. The wind being as faire as it can blow for us, I am not a little concerned to fiend we have not yet our orders for saileing, the time of year being so late, if we loose ye opportunity of this wind, it may be ye ruining of ye whole designe. *Signed*, Tho. Lloyd. *Endorsed*, R. Sept. 7 at 4 afternoon (at Winchester). *Addressed*. Holograph. 1 p. *Enclosed*,

1339. i. Major Lloyd to Col. Gibson, Portsmouth. Sept. 4. *Complains* of the ill condition of the clothing of the detachment from my Lord Parston's Regiment. I had 12 men exchanged, two of which had convulsion fitts, several of them ulcers in their legs for some years, and others having distempers which rendered them wholly unfit to proceed on such a voyage *etc.* This being by H.M. Order left to your honour to decide, I hope for justice *etc.* *Signed*, Tho. Lloyd. *Copy*. 1 p.

1339. ii. Accounts of the condition of the clothing of the above detachment of 84 men. Aug. 6, 1705. 1 p. [*C.O.* 194, 22. Nos. 52, 52. i., ii.]

Sept. 7.
Virginia.

1340. J. Smith and J. Lewis to the Council of Trade and Plantations. Our late worthy Governor, Coll. Nicholson having thought fit (upon a vacancy), to appoint us Members of the Council here, we were a little surprized to be left out upon the change of a new Governor, being sensible we never acted anything contrary to our duty to the Queen and her representative, or to the good and welfare of this Colony. We had not troubled your Lordships, but that Coll. Nicholson's enemies and consequently ours made it their braggs that we should be left out in the new Commission, and they have not a little gloried since that they compassed their ends : and, therefore, we fear we have been misrepresented either to H.M. or to your Lordships, tho we challenge ye adverse party to tax us with any breach of our trust, and we can say without vanity that our interests and concerns in this Colony are not inferior to the best of the Council here *etc.* Refer to Col. Nicholson. *Signed*, John Smith, John Lewis. *Endorsed*, By Col. Nicholson. Recd. 3rd, Read Dec. 17th, 1705. 1 p. [*C.O.* 5, 1314. No. 64 ; and 5, 1361. p. 412.]

Sept. 13.
[n.s.]
à Plaisance
(Placentia).

1341. M. Subercasse, Governor of Placentia, to Henry Hayman, Admiral of St. Johns. I am ready to accept your proposal for an exchange of prisoners, and send you Mr. Roope, as you desire *etc.* If for the future you will send me all the prisoners you take I will do the same, and treat yours as you treat mine, a great part of the sailors complaining that they are very badly fed and closely confined, and that during a time when I have treated the English like the French, and they have hardly known they were prisoners, having had liberty to work and gain the same wages as in their own country. *Proposes*

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that prisoners on each side should receive $1\frac{1}{2}$ lb. bread, $\frac{1}{2}$ lb. meat and 1 lb. pease or beans with the ordinary fish of the district per diem subsistence, etc. *Demands* the restoration of one Quingue [*? Keen*], brother-in-law of M. Geoffrey, who escaped, breaking his *parole* and leaving many debts at Placentia. M. Roope will tell you all I have done to prevent the ordinary cruelties of the savages, and I will continue to take the same care, on condition that our prisoners are treated with a little more kindness and the inhabitants of Bonavista pay the contribution to which they are pledged etc. *Signed*, Subercasse. *Endorsed*, Reed. Read Jan. 8, 170 $\frac{5}{8}$. *Copy. French. 3 pp.* [*C.O.* 194, 3. No. 88.]

Sept. 14.
Bermuda.

1342. Mr. Nelson to [*? Mr. Secretary Hedges*]. *Encloses* account showing balances due to H.M. Mr. Burton, Attorney General, is tearing Col. Day's estate in pieces by putting the appeal bond in suit against his security, which by all judicious persons is said to be void by his death. But Burton is resolved to carry on the suite in dispute of H.M. Orders. He saith he doth nothing but by the order of the Governor. Here is no affidavits admitted to be taken upon any acct., except the Governor first approves of them, so that persons agrieved are destitute of relief. Here hath no business been done in Chancery since the first Monday in Dec. The Governor did the 27 of the last month send out a sloop to 3 vessels bound to Virginia, himself being part owner of the said sloop, and suffered divers persons to trade with them without giving notice of their cargo, as by Act of Parliament obliged. I have writ H.M. Comms. of the Custome House an acct. at large. I can prove four of the Council here forsworn agt. me—Rd. Penniston, Anthony White, Charles Walker and Samuel Spofforth. The last the Govr. hath made Chief Justice, with two shoemakers his Assistant Judges I have petitioned the Governor to hear my complaint agt. them, but he refuses, giving for answer, I will not break my Council. *Signed*, Gilbt. Nelson. $1\frac{3}{4}$ pp. *Enclosed*,

1342. i. Sums due (about 100*l.*) to H.M. on account of goods etc. condemned in the Admiralty Court at Bermuda 1698–1701. *Addressed. Sealed. Endorsed*, R. Jan. 10. 1 p. [*C.O.* 37, 26. Nos. 13, 13. i.]

Sept. 15.
Barbados.

1343. General Sir B. Granville to the Council of Trade and Plantations. This comes by the *Portland* (wh. sails with her convoys for England this day) and brings with it what publick papers remain unsent, and also a particular list of the damage don to the shipping by the late storm: it began in the night between the 16 and 17 of Aug. and lasted till the evening of the 17, the wind all that time blowing very hard from the N.W. to the S.W., shifting backwards and forwards. Much mischeif also was don on shore, the tops of severall mills being blown off, and the Plantain trees and the corn in many parts destroy'd. The *Weymouth* in the latitude of 19, after having parted with her convoys bound to the northern Continent, took a French merchant ship of 20 guns and 80 men and brought her in here; the vessel

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is loaded with wines and some dry goods, and esteem'd a pretty rich prize ; she is not quite unloaded. The Frenchman defended himself near three hours ; there were 17 men killed on board him, and 3 on board the *Weymouth*. We have no packet from England since July, *etc.* Upon the vacancy which happen'd in the Council by the death of Sir Henry Pickering, I have sworn in Mr. Middleton Chamberlen, and pray your Lops.' approbation *etc.* Mr. Chilton (*see letters of June 24 and July 16*) goes himself now over to make some application but of what kind, I can't tell : I have found him here a very troublesome fellow, and a very great knave, and upon examination I am confident he will appear so to your Lordships. *Encloses* the late great Seal broke. *Signed*, Bevill Granville. *Endorsed*, Recd. 15th, Read Nov. 20th, 1705. *Holograph*. 3 pp. *Enclosed*,

1343. i. Account of the damage done to the shipping by the late high wind in Barbados. Names and details of 21 ships and sloops driven ashore. 6 lives lost. *Endorsed as preceding*. 1 large p. [*C.O.* 28, 9. Nos. 20, 20. i. ; and (*without enclosures*) 29, 9. pp. 410-413.]

Sept. 15. **1344.** Lt. Gov. Johnson to the Council of Trade and Plantations. I have in obedience to your Lordships' commands, sent plans of the platforms erected and repair'd by me, with a draft of the whole Island of Nevis. *Enumerates* the forts, with references to the maps referred to :—(a) A small fort erected by me to the windward of the Island commanding a very calm bay fit for small vessels to ride in, butt especially if should be chass'd by any privateers have the opportunity of getting in there, when perhaps are not able to weather the Island soe far as to reach the main Road, its called St. Anne's Fort or commonly known by the name of Indian Castle, it is furnisht with 12 guns, the walls 10 ft. thick and 9 ft. high, stands upon a clift ; the ground would afford noe other figure, within which stands a stone built guard house, covered with shingles, two rooms below for the officers, and another for the souldiers, with lofts overhead, for arms and amunition, a standing guard there of 11 men, with spare arms for 50 ; it is quitt finished except some guns. (b) A platform erected (by me) of 12 gunns stands upon a clift, its called William's Fort, commonly known by the name of Long Point, its not quight finisht, has a good stone Guard House, and besides ye standing Guard, has 50 spare arms all in order, it commands a great way. (c) Charles Fort repaired by me with the addition of a little platform yt. lyes low by ye seaside, stands upon a clift, and commands the road of Charles Town, where all our shipping rides, within which stands a Guard house, a large magazine and a cestern ; its called Charles Fort, commonly known by ye name of Pelican Point. (d) A fort to the Eastward of the town called St. Paul's, commonly called by the name of Blaek Rock, repaired with adition by me ; this fort with them before mentioned are to the sea stonework, to the land, with sodd work ; this fort, with Charles Fort, makes a bay, and commands it, between which, lyes Charles Town,

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to which town I am now making two platforms on each side the landing place, to secure the town. (c) A platform made by Col. Johnson in a sandy bay within musquett shott of Black Rock, all finisht; it being the first erected by me, the Gentlemen of the Island were pleased to name it Johnson's Fort. All along that bay there is anchorage in 6, 7 and 8 fathom water, the wall of it is 15 ft. broad and 18 ft. high, 8 whereof is under ground; without side of it is a forcey [*? fosse*] of water of 40 ft. broad and 7 ft. deep, that part to the country is a sodd breast work, it has within a Guard house with arms and ammunition proportionably. (f) A fort erected by me called Matthew's Fort, Sir William Mathew arriveing as this fort was finished, its on the same bay as Johnson's Fort. The wall of this platform is 8 ft. broad and 20 ft. high, of which 8 ft. under ground, the reason the wall is soe thick is that they lye lyable to be batter'd by men of warr, the bay haveing such good anchorage, without side is a ditch of water 40ft. broad and 8ft. deep. (g) A fort I had erected called Katherine's Fort known formerly by ye name of Old Road, it being on the same bay and proportionable to Mathew's Fort. (h) A Platform erected by me, called St. Thomas's, usually called the Cotton Tree, it is the same dimentions of Katherine's Fort; this, with e. f. and g. defends the bay, to each and every of them there is Guard houses, and all other matters equivalent. (i) A platform repaired by me called Abbott Fort, usually known by ye name of Coles Point, the wall 15ft. broad, and 6ft. high, which point, and St. Paul's Fort, makes a bay, wherein the last 4 platforms lye; the reason the wall is no higher is, its standing on a clift, and the thickness of it is, that vessells may ride just before it. (k) St. James's Fort by me erected, commonly known by ye name of Moreton's Bay, the figure being soe, is that the water comes almost round itt, in ye center of the Bay is a small point and the ground would afford noe other: this is the same as to proportion as e. f. g. h. (l) Codrington's Fort repaired by me, itt stands on a point or ledg of rocks, commands the narrows between St. Christopher's and Nevis. (m) Round Hill Fort erected by me; the wings from it is a dry ditch, of 30ft. broad and 12ft. deep, with a sodd breast work, which commands it, the demention are the same as e. f. g. h. The ambusiers upon each of the new platforms, are 2½ft. withinside, and 14ft. without; betwixt each platform and fort where the sandy baggs are, is a strong sodd breastwork, with a ditch without side, 30ft. broad, and half way between each fort, is a strong spur, which will hold 200 men *etc.* Signed, Jon. Johnson. Endorsed, Recd. Nov. 14, Read March 19, 1705 (6). 4½ pp. [*C.O.* 152, 6. No. 34; and 153, 9. pp. 295-300.]

[Sept. 17?] **1345.** Lt. Governor Johnson to the Council of Trade and Plantations. Having the opportunity of H.M.S. *Lynn*, now going to England, I inclose an Act some time since passed by the Assembly of St. Christophers, and recommended by them to me, and being perswaded by some people, I unwarily signed,

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but soone after finding I was imposed on, refused to put H.M. Seale to it or recommend it to your Lordships for the reasons that, least some persons should misrepresent me to your Lordships, I give you the trouble of. (1) It's founded on suggestions not proved. (2) The estates of people were thereby subjected to be taxed by an Assembly, wherein they neither were or could be represented. (3) By this Act H. M. Prerogative was not only called in question, but admitting the suppositions the makers thereof went upon to be true, intirely destroyed and taken away thereby, as to the conquered parts of St. Christophers. (4) Several of the suppositions upon which it was founded and by the preamble taken for granted, were in fact false, some things being thereby represented as impracticable, which had actually been put in practice, and that publickly. (5) It was a very presumptuous and unwarrantable invasion of H.M. Prerogative to venture on making Laws for a new conquest, without any instructions from H.M., or her pleasure therein first had and known. (6) Because a member of H.M. Councill in that Island, Mr. John Pogson, did falsely report that I had 300*l.* for passing said Act, and against which false report, when Mr. Pogson was taxed with saying soe of me, I here send your Lordships Walter Hamilton Esq. Lieut. Governor of that Island's oath, as also the oath of Michael Lambert, now President of the same Island, to justifie me against such unjust and malicious false report, together with a certificate of the whole Councill of that Island in my justification, and which indeed were one of the main reasons I would not transmitt this Act to your Lordships under H.M. Seale, and upon Mr. Pogson's behaviour to me herein, I have, with the advice of H.M. Councill in that Island, thought fitt to suspend Mr. Pogson from being of the Councill, till H.M. pleasure should be known herein, and which the Councill of that Island thought to be the least justice they could [*do*] me. (*See Nos.* 1346. ii, iii.) Upon my refusall to put the seal to this Act, the inhabitants of that Island immediately turned H.M. souldjers out of their quarters thereby hoping to oblige me to a law I take to be absolutely against H.M. interest and honour. So I leave it to your Lordships' great wisdom to judge thereof as you think fitt. *Signed*, Jno. Johnson. 3 *pp.* [*C.O.* 152, 6. No. 36; and 153, 9. *pp.* 308-312.]

Sept. 17.
St. Christo-
phers.

1346. Lt. Governor Johnson to the Council of Trade and Plantations. I herewith send an account of the number of men in H.M. conquest of St. Christophers that are fitt to bear armes, which consists of about 150 with their familys, who have all temporary grants from Generall Codrington and myself, for 5, 10 and 20 acres of land, few exceeding that; they allways appear on all alarums and doe duty on all occasions, and though the makers of that Act [*see preceding*] are for subjecting that part to the English which when done would oblige them poor people who have noe freehold and noe representatives in their Assembly to be taxed, and their grants being but for a time, thought it hard on them, not that anything as to justice but has a true currency, any justice in the English grounds, warrants is executed their

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as to the peace, felony, murder etc, and the Martiall of the Island executis all civill matters from H.M. Courts of Queen's Bench or any directs writt for the safety and preservation of H.M. Pre-rogative and the quiett of her subjects. And the inhabitants of that part assist in mending all forts and platforms, with all other service as the other part of the Island require of them, with the labour of their slaves, which are but few ; this I hope your Lordships will consider with the reasons I have already enclosed your Lordships with the Act. *Signed*, Jno. Johnson. *Endorsed*, Recd. Nov. 4, 1705, Read April 8, 1706. $1\frac{3}{4}$ pp. *Enclosed*,

1346. i. Accounts of the arms and ammunition in Antigua. *Endorsed*, Recd. Nov. 14, 1705. 1 p.

1346. ii. Certificate by the Council of St. Xtophers. that the report, that Lt. Governor Johnson had a present of 300*l*. from the publick of this Island as a reward for passing the Act for subjecting the "French Ground" of this Island to ye Civill Government, is false and and mallitious. *Signed*, W. Hamilton, Jos. Crisp, Step. Payne, Mich. Lambert, Hen. Burrell, Jno. Davis, John Garnett, Jno. Pogson, J. Panton, Jed. Hutchinson. April 3, 1705. *Endorsed as preceding*. 1 p.

1346. iii. Minute of Council of St. Christophers, April 3, 1705. The Lt. Governor gave his oath that he heard Capt. John Pogson say to Coll. Lambert, they had given so much for passing ye Act. The Governor then said, what did you buy ye Act then ? Pogson replied, Yes, wee gave 300*l*. for itt. Coll. Lambert declared the same also. *Signed*, John Helden, Ck. Councill. *Endorsed as preceding*. $\frac{3}{4}$ p.

1346. iv. Inhabitants of St. Paul's Parish, March 25—Aug. 25, 1705. Superannuated, 4. Able to carry arms, 110. Baptized, 8. Buried, 12. *Total*, 347. *Signed*, Will. Semple (?). Churchwarden. $\frac{1}{2}$ p.

1346. v. Inhabitants of St. George's parish, May 23—Sept. 14, 1705. Men, 125. Women, 91. Sons, 120. Daughters, 111. Superannuated, 18. Nue borne, 6. Dd., 5. *Total*, 472. Noe marriages. 1 crisned. *Signed*, Isack Evins, Jno. Choppin, Churchwardens. *Same endorsement*. $\frac{1}{2}$ p.

1346. vi. State of stores of war in St. Kitts, Sept. 10, 1705. *Signed*, Hen. Burrell. *Same endorsement*. 1 long p. [C.O. 152, 6. Nos. 37, 37. i-vi. ; and (without enclosure) 153, 9. pp. 312-316.]

[? Sept. 17.] **1347.** Lt. Governor Johnson to the Council of Trade and Plantations. I have herewith sent you the Minitts of the Councill of Mountseratt, Apr. 27—Aug. 27, wherein your Lordships will find a letter I sent to the Lieut. Governor of that Island for a transcription of the laws, according to H.M. Instructions. The consequences of the letter I leave to your Lordships, and the Resolutions of the Council thereon, in which your Lordships

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will find what trouble I have in getting those things which are required by said Instructions. I have also sent what Acts I could get from Mountserrat, which are confirmed; by peice-meale I gott them, but have sent them orders that all confirmed or not shall be sent per next conveyance. *Refers to enclosures.* The accounts of money raised the last year for carrying on the fortifications for Nevis I could not send by this opportunity the year being not ended quite, but I will send them per next with all other papers concerning the four Islands. *Encloses 5 packetts received from Bermudas. etc. Signed, Jno. Johnson. Endorsed, Reed. Nov. 14, 1705. Read April 8, 1706. 2½ pp. Enclosed,*

1347. i. State of Militia of Mountserrat. 483 private and non-com. soldiers. 49 guns. *Captains* :—Anthony Hodges, John Daly, Joseph Little, Edward Buncomb, Geo. Wyke, Thos. Lake, Geo. Liddell, Jno. Cockran, John Bramly. *Lieutenants* :—Anthony Fox, Wm. White, Rich. Cooke, Edwd. Daniell, Robt. Oakeley, Edwd. Limington, Sigismund Coop, Jos. Kerwen, Wm. Barzy. *2nd Lieutenants* :—Timo. Popellwell, Dennis Daly, John Russell, Jos. Sawyers, Wm. Risdon, Fran. Wilson, Jno. Wattson, Wm. Martin, Cornet. *Ensigns* :—Henry Fox, Jno. Drackett, Isaac Finch. *Endorsed, Reed. Nov. 14, 1705. 2 pp.*

1347. ii. Exports of Nevis, April 12—July 12, 1705. *To England* : Sugar, hhds. 837, teirces, 481, barrils, 326½. Mollosocs, teirces, 1, barrils, ¼. Indico, barrils, 1½. *To the Plantations* : Sugar, hhds. 13, teirces, 48, barrils, 70½. Mollosocs, hhds. 11, teirces, 124, barrils, 10½. Cotton, 45 baggs. *Same endorsement. ½ p.*

1347. iii. Exports of Mountserrat, Oct. 26—May 12, 1705. 3 ships. *To England* ; Sugar, hhds. 332, tierces, 141, barrils, 112½. Indico, barrills, 6. Cotton, baggs, 5. Piemento, barrills, ½. Ginger, teirces, 5. *To the Plantations* ; Sugar, hhds. 97, tierces, 16, barrils, 27½. Indico, barrils, ¾. Mellosocs, hhds. 4, barrels, 1. Cotton, baggs, 10. Piemento, barrills, 1. *Same endorsement. ¾ p. [C.O. 152, 6. Nos. 38, 38.i.—iii.; and (with letter and enclosures ii and iii only) 153, 9. pp. 316–322.]*

Sept. 22. **1348.** Governor Nott [*to? the Duke of Marlborough or Newcastle*].
Virginia. *Returns* thanks for favours and begs continuance of patronage. *Signed, Edward Nott. Holograph. 1 p. [C.O. 5, 1340. No. 14.]*

Sept. 22. **1349.** Governor Nott to the Council of Trade and Plantations.
Virginia. *Excuses* himself from sending a list of persons fit for the Council, as not being long enough in the country etc. *Signed, Edward Nott. Holograph. 1 p. [C.O. 5, 1314. No. 65; and 5, 1361. p. 422.]*

Sept. 22. **1350.** Governor Nott to the Council of Trade and Plantations.
Virginia. *After a tedious passage I arrived on Aug. 11 within the Capes*

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of Virginia, and next day came to Williamsburgh. I immediately summoned the Council, who mett me on Aug. 15, where H.M. Commission to me was published, and the Council sworn. *Refers to Journals of Council, enclosed.* Having advised with H.M. Council, I have appointed a General Assembly to meet on Oct. 23, and the elections are now making: when they meet I shal make it my endeavour to incline them to such measures as may promote H.M. service and the dispatch of those Laws which your Lordps. have sent over by Col. Jenings. Your Lordships will see that the Council were of opinion that I should appoint an Auditor and Receiver General until further direction from England, and that it was necessary the Revenue should be put into the hands of a person of ability, who might give security to H.M. for answering it. We unanimously agreed in the choice of the person, viz. Mr. Bird, whose father, having acted in that office for many years to the general satisfaction, hath left him an estate very sufficient not only for answering the ballance of his father's accounts to H.M., but what else may come into his hands on account of the revenue; and accordingly he hath given bond for 5,000*l.* with good security for the discharge of that office *etc.* I hope your Lordps. will neither disapprove of the method nor the person, when I assure your Lordps. I thought it most for H.M. service. There being no agent appointed for this Colony, as had been usual before, I proposed to the Council the nominating of one, and your Lordps. will perceive by the Journal, how heartily the Council joined in the nomination of Col. Blakiston; hoping your Lordps. will be pleased to grant our request, in admitting him to sollicite the affairs of this country at your Board, as there shal be occasion. In obedience to H.M. royal commands, I recommended to the consideration of the Council H.M. Instruction concerning the Auditor and Receiver's office being executed by one person; the sum of their opinion is that an examination of the accounts of the revenue in this country is necessary for H.M. service, that the present salary allowed the Auditor would be too smal if divided between two officers, and the accounts being examined and inspected by the Governor and Council will be more effectual for discovering frauds than if they were under the scrutiny of one single person. *Refers to Journal of Council.* It being thought necessary that the revenue arising since Col. Bird's death should be stated, the Council appointed some gentlemen to inspect the said accounts, they have reported their observations thereon. *Refers to Journal of Council.* The result of all was a representation to me concerning Col. Nicholson's proceedings in taking on himself the execution of the Auditor's office, and a desire that I should lay it before H.M., and humbly pray H.M. directions that the money arising by the Revenue which Col. Nicholson remitted by bills of exchange into the hands of Mr. Perry, merchant in London, may be put into the hands of the Auditor of Virginia; I would have sent your Lordps. a duplicate of the said representation signed by the Council, but before copies could be finished for my Lord High Treasurer and H.M. Secretary of State two of the Council

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were taken sick, and myself very much indisposed ; so that I am to intreat your Lordps. excuse that I can only send your Lordships the inclosed attested copy of it. Upon the inspection of the Naval Officers' accounts we discovered that several hogsheads of tobacco of the growth of Maryland had been shipt in Potomack and Rappahannock districts without paying the 2s. per hogshd. according to H.M. Instructions, which I have (by advice of the Council) represented to my Lord High Treasurer, for his Lordship's directions whether the officers of those districts shal be accountable for what is past, they pretending it had been the custom for several years to exact no duty for Maryland tobacco. But for the future I have, by advice in Council, given orders to exact the 2s. per hogshd. of all tobacco whatsoever according to H.M. Instructions. I have in obedience to H.M. commands given my warrant to Mr. Bird to remitt 3,000*l.* out of the Quitt-rents into the receipt of H.M. Exchequer. I have also, on Mr. Blair's request, signed a warrant for a year's sallary as Commissary (which was in arrear) ending April 25, 1705. And I have likewise signd another warrant for the 200*l.* ordered by H.M. to Col. Jenings, it is to be paid out of the Quitt-rents, the Council being of opinion it could not be paid out of the 2s. per hogshd. I have received a petition from the children of one John Holt of Surry County, who being under some indisposition of mind lately hanged himself, and the Jury of inquest found him *felo de se*, whereby his personal estate is forfeited to H.M., but tho they did not return him *non compos mentis*, yet it has been since proved by good testimonys that he had been for a considerable time before troubled with a lunacy and distraction of mind. I caused the estate to be inventory'd and appraised, and the inventory and appraisement upon oath are returned into the Secretary's office, whereby it appears that the value of the estate amounts to 159*l.* 16s. 6*d.*, and there being five children, who are in my opinion objects of H.M. compassion, I have represented their case to my Lord High Treasurer, (as being a matter relating to the Revenue) for H.M. grace in remitting the said forfeiture. In the meantime I have continued the estate in the hands of the orphans, upon their having given security for paying the valne thereof when H.M. pleasure shal be signified therein. Finding that James City had formerly a priviledge of electing a burgess to serve in the Assembly, but that it had been lately discontinued, I advised with the Council whether I should issue a writt, and they gave their opinion that James City had still that priviledge whilst the Act of Assembly that gave it stood unrepealed, whereupon I have accordingly issued a writ for that place. *Encloses* copies of the Proclamations issued since my entring upon the Government, but Col. Nicholson informing me that he had, by the last Virginia fleet, sent your Lordps. the accounts of the Revenue, with the Naval Officers' and Collectors' lists and accounts of the trade, and but very few ships laden with tobacco going from this country with Capt. Clements, the present convoy, I beg your Lordps. to excuse me that I cannot send those acctts. by this conveyance. Having received my

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Lord High Treasurer's commands with a Memorial for the better improving H.M. Quitt-rents, I have at two several meetings of Council recommended it to their consideration ; but finding it a matter of great weight and intricacie, they have referr'd it for more mature deliberation to the next Council. I have made enquiry concerning what arms and stores of war are in the Country on the public account, and understand that there are in James City, and other parts of the Country, where some kind of fortifications have been formerly, several great guns, with some shots and granado shels ; but all those guns are dismounted and unserviceable, as I doubt not your Lordps. have been fully informed already, nor do I see of what service great guns and fortifications can be in a country so full of rivers, creeks and convenient landing places as this ; and there would be more danger than security to the country from such fortifications without a sufficient strength to defend them. As for small arms, I find there was a supply for 400 horse and 1,000 foot, with a proportionable quantity of powder and shott sent in hither by H.M., for the service of the Militia, which are now in the magazine at James City, except a few sold to several persons who are to account for the price thereof to the auditor for reimbursing the first cost and charges paid by H.M., of all which I shall, God willing, give your Lordps. a full and particular acct. in my next. It was one of the first things I recommended to the Council to consider of some way for preventing the dangers that may happen by the enemy's intercepting of letters on board of ships taken going from hence ; and I found there had been orders given therein upon a letter from your Lordps. to Col. Nicholson, of which I suppose he hath informed you, but that matter having been recommended by him to the last General Assembly, the House of Burgesses voted "that if such direction or permission (of sinking letters) were given to Masters of ships, it would be very prejudicial and injurious to all dealers and traders, and cause many of their letters to miscarry." And the Council finding that the making such a method (as your Lordps. proposes) practicable would be very difficult in this country, where there is no post-office, but the ships riding disperst all over the country the letters are taken on board by the Masters and seamen at pleasure, could come to no resolution therein, so that I must pray your Lordships' further direction. I understand there hath been brought into the country this summer about 1,800 negroes, sold generally for 5*l.* sterling a man and woman, at the least. All these, except a few, are imported since the Imposition Acts expired ; but I shal endeavour to give your Lordps. a more full accot. in my next, both of this and what else concerns the trade of this country, whereof I have not yet had the opportunity so particularly to inform myself, and if I have ommitted anything else I hope your Lordships will be pleased to impute it to my want of time. *Signed*, Edward Nott. *Endorsed*, Recd. Nov. 29, Read Dec. 21, 1705. 6 pp. *Enclosed*.

1350. i. Report of the Council of Virginia upon the state of the Revenues since the death of Mr. Auditor Bird.

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- Referred to in preceding. See Minutes of Council. Endorsed, Recd. Nov. 29, 1705. Copy. 2 pp.*
1350. ii. Proclamations by Governor Nott. (1) Aug. 15, 1705. Continuing officers *etc.* (2) Aug. 16, 1705. Dissolving the Assembly and summoning a new Assembly to meet at Williamsburgh on Oct. 23. (3) For the apprehension of John Staples, late of Philadelphia, John Taylor, Thomas Sparrow and — Sterritt, and Richard Clark, reported by the Governor of Maryland to have gotten a sloop, the *Little Hannah* of West River, Ma., and turned pirates. *Endorsed as preceding. Copies. 3 pp. [C.O. 5, 1314. Nos. 66, 66. i., ii.; and (without enclosures) 5, 1361. pp. 414-421.]*

Sept. 22.
Virginia.

1351. Governor Nott to [*Mr. Secretary Hedges*]. *Repeats gist of part of preceding.* Soon after my arrival here, I gott ye Commissary to call an Assemble of ye Clergy. And I delivered an extrodinary good letter from ye Bishopp of London to exhort them to peace, and I joynd to ye uttermost of my power to ye same end, But it was to no purpose, so I have left them to themselves. I did write to you Sr. from Deal and gave you an acct. yt the Auditor here was dead. I did then acquaint you that here was four Navall Officers and four Collectors, and that ye Navall Officers was inconsiderable, but I was wrong informed. Their are 6 Navall Officers, who being as well Collectors of ye 2s. per hhd., as they have as yett constantly ben, four of their places are between 200*l.* or 300*l.* a year, ye fifth is about 160*l.*, and ye sixth worth very little, it being upon ye Eastern Shore. These places when vacant have never yet been disputed, but yt. they ware in ye Govenor's disposeal. I remember a Gentleman came to me from you and sayd he thought to goe along with me. But he did not come down to Portsmouth as he told me he believed he should. If he had I am sure I should have been glad to have served him if in my power. I doe believe ye Council have a mind to dispute with me ye making of ye Collectors of ye 2s. per hhd. (wch. is ye great part, ye Navall Officers' profits being nothing almost). If their comes a vacancey, I doe not know but they will doe itt upon my renuing ye Commistions. If they doe I am resolved to refer itt home, and then I shall be very glad to have ye Gentleman's company here as one off them. Their pretence is yt it is sayd in my Instructions I shall not make them but by advice of Council. Now they have a mind to turn severall out and put in their owne relations, and yt is not my turn of temper. Besides there here are six Collectors made by ye Commistioners of the Customs at London. But their places are not very considerable, about 100*l.* or less a year, with whom ye Govenor dos not conserne himselfe, but upon very extrodinary occations. Eldridge, who you were pleased to speak to me about, I sent for and find he is a servant (with a good Master), and has about 6 months to serve, when he is free I will truely endeavor to do some for him, he seems to be a very good youth *etc.*

1705.

Signed, Edward Nott. *Endorsed*, R. 29. *Holograph*. 3 pp.
Enclosed,

1351. i. Minutes of Council of Virginia, Aug. 15—Sept. 7, 1705. 25 pp.

1351. ii. Abstract of *preceding*, as in *preceding letters*. 2½ pp.

1351. iii. Proclamations by Governor Nott. *Duplicate of No.*

1350. ii. 3 pp. [*C.O.* 5, 1340. Nos. 15, 15. i.-iii.]

[Sept. 23.] **1352.** Merchants trading to Jamaica to the Queen. *Pray* H.M. to give them her ⅓th part of their ship *Richard and Sarah*, captured by a French privateer and recaptured by H.M.S. *Rochester*. 43 Signatures. *Subscribed*, Windsor, Sept. 23, 1705. H.M. *refers above* to the Council of Trade and Plantations for their report. *Signed*, Ro. Harley. *Endorsed*, Reed. 1st. Read Oct. 2nd, 1705. 2 pp. [*C.O.* 137, 7. Nos. 12, 12. i.; and 138, 11. pp. 415-417.]

Sept. 24. **1353.** Edict of the King of Spain for opening a trade with the English. Translated from the Spanish. 6 pp. [*C.O.* 318, 3. Nos. 25; and (*duplicates*) 26, 27.]

Sept. 25. **1354.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose* copies of Mr. Dyer's papers [Sept. 1]. *Autograph signatures*. 1 p. [*C.O.* 318, 3. No. 28; and 138, 11. p. 412.]

Sept. 25. **1355.** Council of Trade and Plantations to the Queen. Whitehall. Propose Mr. Edlyn for the Council of Jamaica. [See June 11.] He has been recommended to us by former Governors as well as by other considerable persons interested in that Island, etc. [*C.O.* 138, 11. p. 413.]

Sept. 28. **1356.** Mr. Feild and Mr. Wyeth to the Council of Trade and Plantations. *Reply* to Sir H. Ashhurst [April 21, June 27]. The Act of Connecticut is directed chiefly against Quakers. If the proper end of it is already obtained, to witt suppression, as the Agent seems to allow, it is more then a tacit confession that it has been put in execution. It is not there deemed obsolete, the Government having, upon the late revisal of their Laws, reprinted it without any signification of its being obsolete. By a letter lately received from a friend of ours on that side, he acquaints us the People are aw'd by it, and that it was lately published *ad terrorem*. There is no doubt the Law is in existence and contrary to the Charter which gives leave to all H.M. subjects without distinction to transport themselves thither. Instance the prosecution of Rogers, and two other instances reprinted by our Friends in a book entitled "New England Judged." By letter lately received from a Friend of ours, who was at Fairfield in Connecticut, we are informed that the people there are overawed from entertaining our meetings in their houses by this law, which he says, as above hinted, was lately published *ad terrorem*. *Pray* that the Law may be disallowed. *Signed*, John Feild,

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Jos. Wyeth. *Endorsed*, Recd. Sept. 28, Read Oct. 2, 1705. 3 pp. [*C.O.* 5, 1263. No. 31; and 5, 1291. pp. 204-209.]

Sept. 29.
Windsor.

1357. Copy of H.M. Commission appointing Robert Livingston Town Clerk, Clerk of the Peace in the City and County of Albany, and Agent for the Government of New York to the Indian Nations. *Countersigned*, C. Hedges. *Endorsed*, Recd. Read Oct. 16, 1705. 3 pp. *Set out*, N.Y. Doc. IV. p. 1158. [*C.O.* 5, 1048. No. 123; and 5, 1120. pp. 342-345.]

Oct. 4.
Cockpit.

1358. Mr. Secretary Hedges to Governor Handasyde. *Refers* to petition of Peter Dyer on behalf of prisoners in Spanish West Indies. [See Sept. 1 etc.] It is H.M. pleasure that you endeavour by sending a Flag of Truce to the Havana, or elsewhere, to procure by an exchange the liberty of H.M. said subjects, and to make the Spaniards in those parts sensible that unless they do comply herein, you shall be obliged to use the same severity to such Spaniards as now are or may come into your power, and you do likewise by the best ways and means you can, give the said prisoners to understand that such orders are given to you, and that H.M. will not be forgetfull of their good services, but do all that in her lyes for their redemption. *Encloses* Mr. Dyer's papers of Sept. 1. His account of Spanish forts perhaps may be made some use of. *Acknowledges* letter of Aug. 12. *Signed*, C. Hedges. [*C.O.* 324, 30. pp. 43, 44.]

Oct. 4.
London.

1359. Mr. Dummer to Mr. Popple. The *Queen Anne* packet arrived Plymouth Sept. 27, out and home 105 days, having met with extreme bad weather, lost two topmasts and foremast. Came home with a jury foremast and in the Soundings was chased every day etc. *Signed*, E. Dummer. *Endorsed*, Recd. Oct. 5, 1705. *Addressed*. 1 p. [*C.O.* 323, 5. No. 86.]

[Oct. 5.]

1360. Copy of Mr. Penn's Commission to Coll. Hamilton to be Dep. Governor of Pennsylvania, 1701. *Endorsed*, Recd. Read Oct. 5, 1705. 2½ pp. [*C.O.* 5, 1263. No. 33.]

Oct. 5.
Whitehall.

1361. Council of Trade and Plantations to Mr. Secretary Harley. Report on the case of the *Richard and Sarah*. (No. 1352.) The ship had 20 guns and 30 men (9 of which refused to fight). The rest maintained a fight of six hours with a French privateer of 20 guns and 166 men etc. The ship is disabled and the privateer took the most valuable part of the cargo out of her. Petitioners have also suffered heavily in Jamaica by extraordinary accidents of fire and earthquakes. They are fit objects for H.M. grace etc. [*C.O.* 138, 11. pp. 417-419.]

Oct. 5.
Whitehall.

1362. Council of Trade and Plantations to the Queen. We humbly offer that the Act of Connecticut "Hereticks," [see April 21] be repealed and made void, that Law against the Quakers being contrary to the liberty of conscience indulg'd to Dissenters by the Laws of England, as likewise to the Charter

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granted to that Colony, and severall persons having suffered by virtue of it. [*C.O.* 5, 1291. *pp.* 210, 211.]

Oct. 8.
Bermuda.

1363. E. Jones to the Council of Trade and Plantations. I cannot prevail with the leading gentlemen here to comply with H.M. royall Order in Council or to suffer me quietly to enjoy the powers and priviledges of my Patent. Collonel Anthony White, Charles Walker and Samuel Spofferth, Esqrs. (the old ennemyes to truth and peace) and such others as H.E. has bin pleased by their advice to commissionate Judges, Justices and Officers of authority, being pre-instructed in their irregular resolutions, carry on their malicious designs against me with all imaginable rigour. They aim to empower persons of their own choosing in all the posts and places of trust in these Islands, both civil and military, and count a commission from England in any station an imposition upon the inhabitants. This is evidenc'd by H.E. late answer to my claim of being Clark of the Council (and by consequence, Clark in Chancery), that he believed it to be my right, but that his Council, meaning the said White, Walker, etc., had declared they would not sit if I presumed to be their Clark. And likewise upon my claim of Clark of the Assize, that the Judges (being two gentlemen born here of mean parts and meaner education) had fixed the same resolution, and have given it as their positive opinion that the Commission granted them by H.E. is sufficient power to them to nominate their own Clark, and so intrust him with the Records of their own Courts, meaning the Generall Assizes, Queen's Bench and Common Pleas, the like answer I have had from the Quarter Sessions, as tho' it were in the breast of a Councillor, Judge or Justice, and not in the power of the Governor himself, to regulate and determine those affairs, a shallow reason I think to divest me of my just rights and priviledges, the most materiall part of the files, rolls, papers and records of what has bin transacted during the time of our present Governour in the Courts of law, equity and government being still kept from the Secretary's Office in the custody of Mr. Charles Minors, late Secretary, and others, and copies thereof privately deliver'd out, and many of the original papers for byass'd ends imbezled, stifled and dispers'd, so that people dayly repair to the Office for copies, and neither the records nor the originals are to be found, to the great discredit of the Office, and lessning the proffits thereof, and to the great abuse and detriment of the whole country. This seems to me to tend to no less a contrivance in my weak imagination than to unhinge the general tranquillity and welfare of the inhabitants and even to strike at the prerogative of the Crown, for if no obedience be paid to the mandates of our Sovereign Lady the Queen, nor regard to letters pattent under the Great Seal of England, but these gentlemen will assume a power to themselves of appointing officers, separating offices that have bin hitherto united, thereby subverting the known antient customes and practice of these Islands from the first settlement thereof, what can all this be but an ambition to shake

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off all subjection and engross the government, or at least the commanding part of it, into their own hands? H.M. ammunition stores, as I am credibly informed, are unspeakably embezzled, which I have been sworn to preserve for H.M. service, and before my suspension maintained all the forts and fortifications 15 months with only 9 barrils of powder, but now am not suffered to inspect them. The votes of the Assembly have been removed from the Secretary's office since my return, and still kept from my custody or knowledge. The Assembly past an Act for building a magazine and great sums of money raised in order thereunto, but the money converted to private uses and the Act itself never recorded. The Governor and Council during the sitting of the Assembly upon publick affairs wou'd not admit me their Clark, but the Governor himself has bin pleased to supply that office, but no notice of their sitting given to me, or any the minutes of publick affairs return'd into the Secretary's office. Myself also am depriv'd of the arrears of the rent of the Secretary and Provost Marshall or Sherriffs land during my unjust suspension and received by the Governor, and nothing material left me but the empty title of Secretary to support me, and all under this haughty insolent position (which those gentlemen publickly assert) that, let their transactions here be what they will, they can write so intricately in their reports to your Lordships as shall puzzle your Lordships to except against, or interpret it, and have taken advice that if the persons offended grumble, they should load them with actions, accusations, fines and imprisonments (no matter whither right or wrong) till they had worried them out of their just interests and pretensions. The poor innocent people H.M. loyall subjects here were never put to the trouble of hopping from one officer to another, but upon all emergent occasions have had a plain and constant recourse to the Secretary's Office to their great ease and satisfaction, but if that Office must be now piecemeal'd into a numerous company of lesser offices, 'twill reduce them to such a confusion that for many years yett to come they will be at a loss whither to repair for the written securities of their lives and fortunes. Thus, my Lords, you may plainly discern the stubborn and venomous temper of these aspiring and uneasy gentlemen, who, instead of changing their auntient malice into a friently reconciliation and readily fixing me in my offices aforesaid according to the tenour of my grant, and H.M. said Order in Council, they continually charge me with pretended errors, and as I am informed have drawn up and passed divers accusations in the Assembly and taken severall affidavits in writing against me, without suffering me to appear in my own vindication, neyther can I yet be truly informed what they are. I have moved the Speaker and the whole House and address'd myself to H.E. that I might be order'd copies thereof, but have bin and still am positively denied. 'Tis true copies have bin delivered to me by the Governor's orders of some few affidavits taken about 4 years ago by Col. White and others and transmitted to your Lordships, but copies of what has bin acted or sworn against me since my return I could never

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obtain. I have likewise both by word and writing humbly requested that the records of the Quarter Sessions might be lodg'd in the Secretary's office which the Justices have bin so far from granting that they have absolutely denied me copies of several particular proceedings which I my self had an imediate occasion for. I claimed the Clarkship of the Quarter Sessions in writing, which they ignorantly interpreted a demand of the office of Custos Rotulorum, and oppos'd the dignity of that office, which they say is vested in them by the Governour's Commission, to my Patent from the Crown. I confess I esteem the Secretary for the time being to be Custos Rotulorum under H.E. for the whole Islands, but my pretensions to them was only to become their Clark. The Judges here called a Court according to adjournment the first Monday in this month and with them the aforementioned Mr. Samuell Spofferth, one of the Council, whom the Governor has bin pleas'd to constitute Chief Justice in the room of Capt. Stafford deceased, tho between H.E. and him there has bin such an animosity that Mr. Spofferth hath not appear'd in Council for above two years past, nor publickly concern'd himself with any of the affairs of these Islands, tho' privately of constant council to the said White and Walker, and now made use off as the only Protens or fit person to prosecute their evill designs against me and others whom they daily persuade the Governor to be his open enemies, and privately to cabal against him, when indeed our whole bent is nothing else but to redress our grievances. And that they might not want a proper officer to carry on their malicious and superb intrigues they have prevail'd with the Governour to make Thomas Burton Attorney Generall, formerly a fidler to a known pyrate or privateer, and a person of that exploded life and conversation that he hath bin superseded from his practice and fin'd by former Governors for his notorious villanies upon record and a petition was preferr'd to H.E. for liberty to prosecute him thereupon since his admission to the office of Attorney Generall, but H.E. was pleas'd to sign his pardon and supersede the former record without any deffence made thereunto on H.M. behalf, altho' indictments of maintenance were ready to be exhibited against him. A decree past before H.E. in a Court of Chancery to affirm a judgement at Common Law obtain'd by Col. Anthony White against Capt. Gilbert Nelson, formerly one of the Council, with stay of execution till the Lord Chief Justice of England's opinion was had upon that decree, being grounded upon a double verdict, which opinion is not yett obtayn'd nor ever requested and yett Capt. Nelson hath lain a year and upwards in close prison separate from his family by virtue of an attachment grounded upon that decree. Dr. Starr was about a year since publickly whip'd by a common negro hangman for words sworn by a notorious profligate fellow to be contain'd in a letter under the Doctor's hand, which being produc'd and diligently read over, are not to be found in it. John Woodward an Attorney, a person imploy'd by Capt. Nelson and my self in our law affairs, drew an answer in Chancery on behalf of the defendant to a Bill filed by the said Burton, Attorney

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for the complainant, after the cause was heard and a decree passed for the defendant, the said Burton, meerly to bring the cause over again and enhance his fees and to expose Woodward to publick shame and disgrace, insinuated with the poor innocent defendant to confess upon oath in his own wrong that the said answer, which he had sign'd and sworn to was false, and then obtained an Order of Council upon his own bare motion to prosecute Woodward upon the statute of maintainance at the then next Quarter Sessions, and brought the perjur'd defendant as an evindance against him, the Governor having by Burton's contrivance prepardoned the defendant on purpose to reswear against Woodward, and the same day Burton's own pardon was read in Court to enable him to proceed upon the indictment aforesaid, least Woodward upon his tryall shoul'd object Burton's being superseded as aforesaid and not rectus in curia to act as Attorney Generall. But Burton's villany was soon detected by the Jury and Woodward brought in not guilty. Mr. Burton hath also caused Woodward to be comitted to my custody as Provost Marshall ever since the date of the enclosed first commitment, which is now full three months, where he still remains without any examination, presentment or other legall prosecution then the two enclosed comittments, which your Lordships will readily perceive are manifestly contradictory to each other, and carry nothing of truth with them, there being not one word of what is charged against Woodward in the latter comitment incerted or mentioned in the former, but only maliciously framed by Burton in open Court, who usually dictates what their ignorant Clark, Thomas Bostock, is order'd to write or draw up. And yet Woodward is still continued in my custody, altho' he hath a wife and severall small children to maintain, and besides 'tis generally believed we shall hold no more Courts here till they hear further from your Lordships. I could enumerate many the like barbarous irregularities, etc. *Signed*, Ed. Jones. *Endorsed*, Recd. Dec. 31, 1705. Read March 4, 1705. *Holograph*. 3½ pp. [C.O. 37, 7. No. 22; and 38, 6. pp. 161-170.]

[Oct. 9.] **1364.** Mr. Penn's Observations upon an Act for establishing Courts of Judicature in Pennsylvania and the Counties annexed. I conceive ejectments may and ought to be brought and prosecuted in Pensilvania in the same manner as in England, notwithstanding an incertaine expression in the Act, viz. [keeping to brevity, plainness and verity in all declarations and pleas, and avoiding all fictions and colour in pleadings]. The meaning of which clause (I think) can onely extend to avoid such fictions as in their owne nature tend to prejudice, or delay either party and hinder the merits and rights of the cause from a fair and speedy determination. The bringing therefore ejectments as aforesaid being no ways prejudiciall to either party, but the most speedy and easy method of bringing the matter in question to an issue and restoring the party injured to his right, ought to be allowed and encourag'd. And if the Justices or Judges there,

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from too strict construction of the said clause, will not allow of such ejectments, it will, as I conceive, be convenient (if not necessary) to endeavour a stopp to her Majes. passing the Act, untill the same be amended, or better explained in this point. *Signed*, Wm. Wharton. *Endorsed*, Recd. Read Oct. 9, 1705. 1 p. [C.O. 5, 1263. No. 34.]

Oct. 9.
Bermuda.

1365. Lt. Governor Bennett to the Council of Trade and Plantations. Your Lordps.' letter of March 6 last I received, wherein I am required to give an account what pirates have been taken and what prizes made by those Commissions I have granted, to which I answer, not one of either kind, for there hath not been any vessel fitted out on purpose for privateering since my arrivall here. But indeed they went with more hands than usuall, when information was given that a wreck was found amongst the Bohamas in 1701, in order to fish on it, and also when they were bound to Turks Islands to rake salt, or on other voyages, that they might be the better able to talk with an enemy if any happened in their way; I hope your Lordps. will remit that fault, which I was presidentially lead into (see Aug. 12) and I shall be very cautious for the future in all respects. As for Capt. Jones, he can justly have noe reason to complain of my reception of him, nor want of a ready compliance to H.M. orders for taking off his suspension, as appears in my answer to his paper [see March 31]. Your Lordps. may please also to remarke how ready I was to doe him justice upon a debate in Council concerning his being Clark thereof, where I declared he was soe, and that I could admit of noe other etc. (see April 4). Your Lordships may also please to observe how cautious I have been in wording the Judges' Commission, which according to all former presidents gave them full power and authority to choose their own Clarks. But by that I have lately given, I have added these two words (viz.) "as customery," so that if it be Capt. Jones, his right to be Clark of the Assizes, I doe not exclude him disputeing it with them, and I hope it will not be concluded that I joyn with the country against him (nor never did) but to the contrary have declared my opinion opposite to theirs, and in all points I shall be tender of what I think he ought to enjoy by vertue of his Patent, altho' he hath offered to ineroach on mine, by demanding the seal and magazine. I cannot conceive on what grounds Capt. Jones can complain of me, but if he should I pray your Lordps. would let me know my charge, that I may answer it before credited. Here is enclosed a remonstrance from the Judges, which I am desire[d] by the Council to recommend to your Lordships' considerations and orders thereon. My Lrds. this country is in a miserable condition, for at present (or till these disputes are over) there is a stagnation of all business, both in law and equity, for no Council nor Chancery Court can be held, by reason the members of them will not sitt, if Capt. Jones is Clark; neither will the Judges of Assize proceed to business, because of his pretension to that clarkship, so that when they meet and sitt, it's only in order to adjourn the Court,

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therefore I pray your Lordps. to consider the circumstance of this place, and send some directions accordingly. As for Mr. Barrons (late Minister here) his petition, because he more particularly complains against me for want of his mony he pretends to be due, and in some measure reflects on the country for hardships recd., I therefore refer'd it to the House of Assembly to enquire into the matter in order that he might be relieved, as his character and justice of his case requires; the Assembly has not yet made me any returne, but for what I hear, that gentleman may repent his complaint, great part of which is unjust and ungreatfull, and I pray your Lordps. to suspend your thoughts till my next letters arrive. *Acknowledges* Commission for the tryal of pirates *etc.*, and letter of April 26. As for treating Lieut. Henley with humanity in regard to his wife and children, it was his own fault he continued six days in the Castle (which was the place he petitionned to be sent to) for I ordered the the Captain thereof to offer him as from himself that he would endeavour to prevail with the Judges to let him be in Tucker's Town (a very pleasant place) provided he would behave himself regularly, but he sullenly refused that proposal, and continued in his confinement about a month (I think it was) and then desired that liberty, which he has had ever since, and to show your Lordps. my compassion for him, in a short time after his tryal I moved and prevailed with the Council to consent to the allowance of 10s. a week to be paid out of the publick treasury, on consideration of his family, and I hope I am not thought either cruel or uncharitable. Your Lordps. in this letter intirely blame me, that the Acts of Assembly were return'd without any date. Pray my Lords consider where the fault lyes. I ordered the Secretary to prepair transcripts of them, which when finished (as I conclude) he bring them to me with an affidavit incerted att the end, to which I swear him, that they are true copsy of the Records, according to the best of his examination, soe that with submission I think in that case my business is only to transmit them, neither can I blame the Secretary for that omission, for upon enquiry it rests in the Clark of the Assembly, for he used to enter them in the Book of Records, and he neglected puting in the time of passing, and I fear by the change of Speakers and deaths of Clarks, with other carelessness and accidents, many of the originall Acts are lost, soe that I fear the record of Acts can not be compleated in that part, but I hope those past in my time will be soe. The copsy of Minutes of Council, and Journalls of the Generall Assembly your Lordps. require are prepareing, both of which together with an acct. of the fortifications with submission I did transmit (which to be sure miscarryed) and Mr. Larkin's management (he being here att the same time) forced me to neglect sending duplicates. But I hope for the future I shal have time to make amends for former unavoydable neglects and constantly be able to comply with H.M. order to transmit accts. half yearly of the publick stores. I also received the Acts *for prohibiting trade with France*, and *for preventing all traiterous correspondence*, which were published accordingly,

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and the Act to *encourage the production of naval stores*. I have likewise received your Lordps.' of Aprill 27, with H.M. order to repeal the Act to *prevent the insolences of negroes*, which accordingly stands repealed on record. I also have your Lordships' letter of May 30 last, with H.M. seal and warrant, and had the old one broak before the Council, and is herewith sent; also is enclosed the Navall Officers' accounts June 13, 1701—Sept. 19, 1705, and everything else wanting shall be transmitted as soon as possible. And whereas it is said in H.M. Order, dated Feb. last (relating to stores, arms and ammunition), that I had not returned an account since my arrival, *refers to letters of 1701, 1702, showing that I was from time to time giving acct. of the fortifications*, and had not my time been employed as in my letter of June 29 last, I doubt not but I should have performed my duty in every respect which I shall take care of doing for the future. Mr. Minors, the Registrar of the Admiralty, having been very busie in settling and delivering the Records of the Secretary's office to Capt. Jones, and this opportunity of sending any pacqt. by the way of New York happening accidentally are the reasons the tryall of Danll. Smith for piracy has not been prepared for transmission now *etc.* *Signed*, Ben. Bennett. *Endorsed*, Recd. Feb. 1st, Read May 29, 1706. *Holograph*. 4 pp. *Enclosed*,

1365. i. Remonstrance of the Judges of Assize in Bermuda to Lt. Governor Bennett upon Mr. Jones' pretensions to be Clerk of Assize. June 29, 1705. *Signed*, Saml. Sherlock, Saml. Smith. *Same endorsement*. 5 pp.

1365. ii-iv. Copies of Commissions granted to the Judges in Bermuda, by Lt. Gov. Bennett, 1703, 1705, and by Lt. Gov. Day, 1699, *referred to supra*. 3 pp. *Endorsed*, Recd. Nov. 14, 1705 (?). [*C.O.* 37, 7. Nos. 27, 27. i-iv.; and (without enclosures) 38, 6. pp. 182-189.]

Oct. 9. **1366.** Lt. Gov. Bennett to [? Mr. Secretary Hedges]. Acknowledges letter of Feb. 22 and repeats part of the preceding *etc.* Bermuda. *Signed*, Ben. Bennett. *Holograph*. 2 pp. [*C.O.* 37, 26. No. 14.]

Oct. 11. **1367.** Order of Queen in Council. Referring following petition to the Council of Trade and Plantations. *Signed*, Kensington. John Povey. *Endorsed*, Recd. Read Dec. 17, 1705. 1½ pp. *Enclosed*,

1367. i. Thomas Allen to the Queen. Prays that his father's appeal may be revived in his name. *Copy*. 4 pp. [See *Acts of Privy Council*, II. p. 367.] [*C.O.* 5, 863. Nos. 143, 143. i.; and 5, 912. pp. 19-23.]

Oct. 11. **1368.** Order of Queen in Council. Referring following the Council of Trade and Plantations for their report. *Signed*, Kensington. John Povey. *Endorsed*, Recd. Read Oct. 17, 1705. 1½ pp. *Enclosed*,

1368. i. G. Lillington, late eldest Member of the Council of Barbados, to the Queen. Upon the information of Thomas Lesly, whom he had turned out of his service,

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petitioner was taken in custody and bound over to appear at the Grand Sessions on a charge of having spoken scandalous and seditious words against the Governor. At the setting of the Court, June 14, 1705, Petitioner was hindered by the Court from making his defence according to the methods by Law allowed him. His Counsel was silenced by the Court, and not allowed to plead until he should be assigned of Council for the Petitioner by the Court. Counsel and Petitioner were not permitted to speak to each other during the tryal. His witnesses were not heard, but threatened by the Court so that several departed in fear; the Court would not allow Lesly to be cross-examined. Petitioner could have shown Lesly to be quite unworthy of credit and to have been suborned by great promises of reward. Found guilty by a packed Jury, on the single evidence of Lesly, Petitioner was fined 2,000*l.* and ordered to remain a prisoner until he should pay it and give security in 2,000*l.* to be of good behaviour. The Court refused to hear reasons for arrest of judgment. Several members of it threatened and abused petitioner's Counsel. During the trial the doors of the Court were kept shut etc. *Prays* that copies of the Commission by which the Court sat, and of all proceedings may be sent over for H.M. consideration, together with depositions by petitioner's witnesses. *Copy.* 7½ *pp.*

1368. ii. (a) Copy of Governor Sir B. Granville's Order to Robert Gibbs, Deputy Auditor of the Queen's Revenue, to receive the above fine from George Lillington, June 19, 1705.

(b) Mr. Gibbs' Receipt for the same. Barbados, June 19, 1705. *The whole* 1 *p.* *Endorsed*, Recd. Read Oct. 17, 1705. [*C.O.* 28, 9. Nos. 5, 5. i., 6.; and 29, 9. *pp.* 373-383.]

- Oct. 11. **1369.** Order of Queen in Council. Appointing Col. Edlyn Kensington. Member of Council of Jamaica. [Sept. 25.] Warrant to be prepared accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 30, 1705. 1 *p.* [*C.O.* 137, 7. No. 15; and 138, 11. *p.* 426.]

- Oct. 11. **1370.** Order of Queen in Council. Repealing the Act of Kensington. Connecticut entitled "Hereticks" [see Oct. 5]. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 14, 1705. 1½ *pp.* [*C.O.* 5, 1263. No. 43; and 5, 1291. *pp.* 229-231.]

- Oct. 12. **1371.** Council of Trade and Plantations to Mr. Cooper, the Whitehall. Lord Keeper of the Great Seal. Acquaint him that he is a Member of the Board. *Similar* letter to the Duke of Newcastle, Lord Privy Seal. [*C.O.* 389, 36. *p.* 306.]

- Oct. 12. **1372.** W. Popple, jr., to Mr. Attorney General. The Council Whitehall. of Trade and Plantations having some difficulties about the

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presenting the Pennsylvania Laws to H.M., send you enclosed queries, unto which they desire your answer as soon as may be. *Enclosed.*

1372. i. *Quote* Penn's Charter. Mr. Penn in his absence from Pennsylvania has constituted a Lieut. Governour, and in his deputation there are these words "By thy writts Assemblys (when necessary) to call and the same from time to time to prorogue or dissolve as thou shalt see cause, and with laws to enact, saving always to me and my heirs, our final assent to all such bills as thou shalt pass into laws." *Query*: Whether the powers granted to Mr. Penn by his Charter, as to making Laws, ought not to be executed by his assent or negative upon the place, where the Assemblies meet, and at the same time as the Bills are presented to him there, and then to give his negative or affirmative? And whether he be not excluded from all power to do it at any other place or time? (2) Whether the 105 laws now offered by him, running in his name only, tho' he was not upon the place, and no mention being made of a Deputy Governour, or that they were passed by such Deputy Governour, by virtue of his Commission, and Mr. Penn having reserved the finall assent to himself, ought to be taken as Laws regularly made and fit to be offered to the Queen as the Laws made in that Province. (3) Whether the clause in Mr. Penn's Deputation, which reserves the finall assent to him, does leave in him a power to repeal any Laws that have been enacted by his Deputy Governour, or whether that clause be void in itself, because repugnant to the enacting powers given to the Deputy Governor by his deputation. (4) These 105 Laws being all joyned under one seal in one body, and so laid before the Commissioners of Trade by Mr. Penn for their opinion to H.M., *Query*, whether, if they do deliver the whole body of Laws connected together to the Privy Council, with a report upon some of them, whether the other Laws in the same body not reported upon may be construed delivered to the Privy Council, and consequently continue to be in force for ever in case H.M. do not repeal them in ye time limited of 6 months mentioned in ye Charter. [*C.O.* 5, 1291. pp. 216-221.]

Oct. 15. **1373.** Masters of ships at St. Johns to the Council of Trade and Plantations. Causes of the decay of the Newfoundland fishery, "which since the remembrance of severall of us was great and flourishing and brought yearly vast treasure to the English Nation, there being then more then 30,000 men employed therein, 6,000 whereof were allways men that never were at sea before, and yearly went out from and returned to England. Since that time the French have encroached on this our fishery, and in a manner engrossed it to themselves, for they possess near

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ꝑth of the fishing ground, and so fishing few ships in a place are allways sure to make good voyages, and the fish cometh with them about 6 weeks sooner then in those places that wee still enjoy, by which means they save their fish before the sultry weather, and are sure to be at place of sale some 5 or 6 weeks before us, by wch. means they get great advantages, and Placentia, which in 1661 was in our possession, as also all the rest of Newfoundland, Nova Scotia *etc.*, is a place where about 800 boats may fish, and with little trouble make good fish in a wet summer, when wee at such times must take extraordinary pains, and yet have very bad fish. And to hinder us from carrying any fish to France have for severall years laid such duties on English-caught fish as amount to a prohibition, by wch. means they not only supply all France, which cannot subsist without fish, and where wee did annually carry about 500,000 quintals, but also by reason of their having fish ready sooner then wee, and their preventing abuses, supply in a great measure Spain, Italy *etc.*, and now imploy 30,000 seamen by the Fishery that they have taken from us, and within a few months have in a barbarous manner overrun all our settlements *etc.*, and so disturb us in the fishing season, that unless a competent force be sent to reduce them, wee shall be forced to abandon the country and trade. But the French could not have so intirely ruined this noble Fishery, if Debauchery, the forerunner of ruine, had not crept in by means of the importation of severall sorts of liquors *etc.* and especially ye rum, sugar, mollosses and tobacco *etc.*, wch. the Americans bring hither in vast quantities and sell it by wholesale and retaile, by which means they draw to themselves the greatest part of the profit that is now made of this Fishery, and their profit is the cause of the ruin of the rest, for their rumme *etc.* is so coveted by those that are employed in the Fishery, that when they should dilligently follow their business, the fishermen in taking, and those ashoare in curing ye fish, both one and the other so closely follow the rumme bottle, yt. there is nott yt. quantity of fish caught yt. otherwise would, and yt. that is taken nott well cured, to our great detriment when att place of sale. And whereas formerly all necessities did come from England, now English provisions cannott be brought hither, they underselling us by much, and gett wn. we loose, to ye discouragement of ye English tillage and graseing, and also within few yeares have a manufactory and doe bring hither shoose, hose, soape, netts, lines, hooks *etc.*, and att ye end of ye fishing season clandestinely carry away many fishermen *etc.* wch. would otherwise goe for England, and by consequence H.M. Navy better man'd. The Scotts also nott being naturalized according to law doe beginn to trade and fish here, which will be of dangerous consequence if nott timely prevented, for there men workinge cheaper, and provisions *etc.* being cheap in Scotland, they will be able to undersell us and gett wn. wee loose, and so in litle time wrest out of our hands ye poore remaines of ye noble fishery, and so gett to ymselves scamen and treasure, and yn. doe as some of our neighbours lately have donne. And ye commanding

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Officer presuming to trade doeth nott onely threaten butt often inflict millitary punishment on ye inhabitants, yt. he may ye easier ingross ye trade, weh. now may prove fatall, for rather yn. live under such barbaritys, they in greate numbers are resolved to leave ye country. The Convoyes also being so late appointed, ye best fishing season is over before wee arrive. The present Minister is so accustomed to drink to excess yt instead of instructing ye people in religion and sobriety, doeth incourage ym. in vice, and causeth much difference and disorder by means of malicious words yt. pass in their drinking injoyments. The by-boats that come here are allso a nuisance, they hiring all ye best men, and never have any yt. never were to sea before, as by law they are bound, neither doe they bring theire necessarys from England, by reason ye Americans doe afford itt cheaper yn. cann bring itt from home. *Pray* the Board to represent these grievances to H.M. in Councell. *P.S.*—Since ye date hereof Major Lloyd is arrived, and doeth show such unexpected proofes of his fidelitty and good management, that above 150 men that did really intend to leave ye country on his arrivall doe now stay. Nov. 17. *Signed*, Henry Hayman, Adml., Saml. Hayman, Vice-Admiral, Jno. Crapp, Recd-Adml. and 28 others. *Endorsed*, Recd. from Mr. Roop. Recd. Read Jan. 17, 170 $\frac{5}{6}$. 1 large p. [C.O. 194, 3. No. 89; and 195, 4. pp. 144–151.]

Oct. 15. **1374.** Mr. Dummer's Account of the West India Packet Service, shewing that it has fulfilled the undertaking to keep a monthly correspondence with vessels each taking about 100 days out and home, "though at first thought impracticable by many of the best seamen in England." 2 *finely printed pp.* Published Oct., 1705, by E. D. *Endorsed*, Recd. Read Oct. 15, 1705. [C.O. 323, 5. No. 87.]

Oct. 16. **1375.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose* 3 Addresses from Virginia, congratulating H.M. on her victories, and complaining of Col. Quarry, to be laid before H.M. (No. 1277. i.) *Autograph signatures.* 1 p. [C.O. 5, 1340. No. 16; and 5, 1361. p. 404.]

[Oct. 17.] **1376.** Agents of Barbados to the Council of Trade and Plantations. We have received instructions to represent the low condition Barbados is reduced to by having strictly observed H.M. Proclamation for ascertaining the rates of coins, while the other Plantations continue to keep up the value of their money contrary to the said order, and have thereby, to the unspeakable prejudice of Barbados, almost drained them of their coin. *Pray* the speedy enforcing of the Proclamation under the severest penalties *etc.* *Signed*, J. Stanley, Wm. Bridges, Mel. Holder, Wm. Cleland. *Endorsed*, Recd. Read Oct. 17, 1705. 1 p. [C.O. 28, 9. No. 7.]

Oct. 17. **1377.** W. Popple, jr., to Sir E. Northey. The Council of Trade Whitehall. and Plantations send you the extract of a letter from the Governor

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of Maryland, relating to Jesuits and Papists in that Province, as also an extract of the Lord Baltimore's grant of Maryland relating to Ecclesiastical power, and thereupon desire your opinion whether the Laws of England against Romish Priests are in force in the Plantations, and whether H.M. may not direct Jesuits (as Romish Priests) to be turned out of Maryland. Your answer is desired as soon as possible, because of the departure in a few days of the Fleet for those parts, and that there will be no other opportunity for a long time. [C.O. 5, 726. p. 318.]

Oct. 18.

1378. Attorney General to the Council of Trade and Plantations. *Reply to preceding.* I am of opinion the *clause (in Lord Baltimore's grant)* doth not give him any power to do anything contrary to the ecclesiastical laws of England, but he hath only the advowsons of and power to erect and consecrate Churches, and such power as the Bishop of Durham had, as Earle Palatine, in his County Palatine; who was subject to the laws of England. And the consecrations of Chappels ought to be as in England by orthodox Ministers onely. As to the Romish Preists; by the Statute of 27mo. of Elizabeth, cap. 20., every Jesuit, seminary Preist, or other such Preist, Deacon or religious, or ecclesiastical person, born within this realm or any other H.M. Dominions, made, ordain'd or profess'd by any authority or jurisdiction, derived, challenged or pretended from the See of Rome, who shall come into or be or remain in any part of this realm, or any other H.M. Dominions, is guilty of high treason; it is plain that law extended to all the Dominions the Queen had, when it was made, but some doubt hath been made whether it extendeth to Dominions acquired after, as the Plantations have been. By the Statute 11mo. Wmi. for preventing the further growth of Popery, it is provided that if any Popish Bishop, Preist or Jesuit whatsoever, shall say Mass, or exercise any other part of ye office or function of a Popish Bishop or Preist, within this realm or the Dominions thereunto belonging, such person being thereof lawfully convicted, shall be adjudged to perpetuall imprisonment in such place within this Kingdom as H.M., by the advice of her Privy Council, shall appoint. I am of opinion this law extends to the Plantations, they being Dominions belonging to the realm of England, and extends to all Preists, foreigners as well as natives. As to ye question whether H.M. may not direct Jesuits or Romish Preists to be turned out of Maryland, I am of opinion if the Jesuits or Preists be aliens, not made denizens or naturalized, H.M. may by law compell them to depart Maryland; if they be H.M. naturall born subjects they cannot be banished from H.M. Dominions, but may be proceeded against on the last beforementioned law. *Signed, Edw. Northey.*
2 pp. *Enclosed,*

1378. i. Extract of Grant of Maryland to Lord Baltimore.
Latin. $\frac{3}{4}$ p.

1378. ii. Extract of Governor Seymour's Letter, No. 585.
 $2\frac{1}{2}$ pp. *The whole endorsed,* Recd. Read Oct. 23,

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- Oct. 18. **1379.** Mr. Campbell to the Council of Trade and Plantations. London. In obedience to your commands, the substance of my letters dated Sept. 5 from Newfoundland is as follows. The fleet which went thither in May arrived safe in 6 weeks and found that country under ye miserable circumstances formerly represented. The French and Indians have since carried off some of the English inhabitants of Trinity and Conception Bay, plundered others and laid others under contribution and burnt a New England brigantine in the former bay. In the beginning of Aug. last they took and plundered Porto Grave, and carried away the inhabitants. The inhabitants who remain at St. Johns and other parts being dispirited by their late misfortunes and the want of intelligence of succours from England were generally resolved to leave ye country. The two men of warr which were there was determined to part from thence on Sept. 24, unless new Instructions prevent them. A frequent correspondence to these parts by way of packet boat or otherways would in all probability very much conduce to ye publick service. *Signed, Ja. Campbell. Endorsed, Oct. 22, 1705. 1 p. [C.O. 194, 3. No. 84; and 195, 4. pp. 57, 58.]*
- Oct. 19. **1380.** Attorney General to the Council of Trade and Plantations. *Reply to July 6.* I am of opinion that ye fines, forfeitures and escheats in New Jersey belong to H.M. and not to the Proprietors of ye Soyle. For as to ye fines and forfeitures for offences, they were not granted to the Duke of York, under whose grants the present Proprietors claim. And as to ye escheats, the whole tract was granted in fee to ye Duke of York to be holden of ye King in common soccage as of his manor of East Greenwich, and ye inheritance of part being granted away by ye assignees of ye Duke to other persons in fee, they hold of the Queen and not of ye Proprietors, and therefore the escheat must be to H.M. As to the appointing of Rangers of ye woods, the inheritance of those woods being in the Proprietors, assignees of ye Duke of York, the right of appointing rangers in ym. belongs to the owners of those woods, and not to H.M. *Signed, Edw. Northey. Endorsed, Reed. Read Oct. 23, 1705. 1 p. Enclosed, 1380. i. Duplicate of letter, July 6. 1 p. [C.O. 5, 970. Nos. 31, 31.i.; and 5, 994. A. pp. 230, 231.]*
- Oct. 19. **1381.** W. Popple to Sir E. Northey. The Council of Trade and Whitehall. Plantations are very much pressed by daily complaints, from the Plantations, of the unsettled state of the coine, and therefor are obliged to desire your speedy answer [to July 4], that H.M. Proclamation may be either revoked or reinforced. [C.O. 324, 9. p. 108.]
- Oct. 19. **1382.** Attorney General to the Council of Trade and Plantations. *Reply to July 4.* The value of foreign coins is well established

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by H.M. Proclamation, and ye tender of the same, according to those values, is a legall tender, and everybody is bound to take them at those values, but if any person (as ye persons complained of doe) will accept them at greater values, I doe not know that it is any offence, being to ye prejudice of ye Receiver, none being obliged to take them in paymt. from him at more than they are settled at by the Proclamation. This mischief wee laboured under here in England, till by ye Act of 6 and 7 Wm. it was made an offence to take broad money at more yn. it was currant for, and I am apprehensive this mischief will not be remedied without an Act of Parliament made here, to lay a penalty on all persons in ye Plantations, who shall there receive ye coyn at other values than they are directed to be currant at by ye Proclamation. If ye Proprietary Govmts. make Laws to give those coyns a currency beyond the Proclamation, I am of opinion they are guilty of a high misdemeanour, and their Charters, or at ye least the power of making Laws, may be seized into H.M. hands by Quo Warranto to be brought against them. But the acts of particular persons, as I take this practice complained of to be, will not prejudice the Charters or Corporations. *Signed*, Edw. Northey. *Enclosed*,

1382. i. W. Popple, jr. to the Attorney General. June (July) 4, 1705 (*q.v.*). *Endorsed*, Recd. Read Oct. 23, 1705. 1 p. [*C.O.* 323, 5. Nos. 88, 88.i.; and (*without enclosure*) 324, 9. pp. 109, 110.]

Oct. 19.

1383. Attorney General to the Council of Trade and Plantations. *Answer to Queries of Oct. 12.* (1) I am of opinion Mr. Penn or his Deputy (who when appointed is as himself) must give the assent to the Laws in the place where the Assembly is, and cannot doe it in any other place, and the Law must be passed or rejected when presented [*by ?*] the Assembly, being in nature of an English Parliament. (2) The power to make Laws being granted to him and his heirs and to his and their Deputies, if the Laws be enacted by a Deputy, they ought to be expressed to be so, and not to be enacted by Mr. Penn, for the Deputy who acts makes the Law by the power in the Charter and not Mr. Penn, and it is not like a Commission in England to give the Royal Assent to a Bill, which is only to give H.M. assent, and not to enact ye Law, as the Deputy's power in Mr. Penn's case is, therefore the Assembly not being holden by Mr. Penn, these Laws are not fitt to be presented to H.M. as Laws made by him. (3) The Laws being enacted by the Assembly and the Deputy (as the power given to the Deputy was to enact them) they are absolute, unless repealed by H.M., and the saving of the final assent to himself *etc.* is absolutely voyd and contrary to the Charter. For the power of making Laws must be executed only by himself or his Deputy. (4) All the Laws will be construed to be delivered to the Privy Council at that time, and will remain absolute, unless repealed in 6 months. *Signed*, Edwd. Northey. *Endorsed*, Recd. Read Oct. 23, 1705. *Written on margin of Queries.* 5 pp. *Enclosed*,

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1383. i. Copy of Mr. Penn's Deputation to Lieut. Governor Andrew Hamilton, Oct. 27, 1701. 2½ pp. [C.O. 5, 1263. Nos. 36, 36.i.; and (without enclosure) 5, 1291. pp. 222-224.]

[Oct. 19.] **1384.** R. Lillington to the Council of Trade and Plantations. Prays that the fine of 2,000*l.* laid upon George Lillington may be returned upon his giving security *etc.* Signed, Roger Lillington. Endorsed, Reed. Read Oct. 19, 1705. 1 p. [C.O. 28, 9. No. 8.]

Oct. 19. **1385.** Mr. Lowndes to Wm. Popple. The Commissioners for Prizes having proposed to my Lord Treasurer for the better management of the prizes carryed into foreigne parts, that circular letters be sent from H.M. to the respective Governors to aid, assist and encourage the Agents for prizes there, upon their applications to them, and that they do interpose in all differences arising between the said Agents and the Captains of H.M. men of war, or other disputes whatsoever relating to the prizes, and that they transmit exact accounts of all occurrences concerning prizes in the same manner as they do in other matters relating to their Governments, My Lord being of opinion that what is so proposed will tend to the better management of the said prizes, requests the Council of Trade and Plantations to prepare the said circular letters in the most effectual manner, and present them to H.M. for her royall signature as soon as may be *etc.* Signed, Wm. Lowndes. Endorsed, Reed. Read Oct. 22, 1705. Addressed. 1 p. [C.O. 137, 7. No. 13; and 138, 11. pp. 419, 420.]

[Oct. 22.] **1386.** Copy of Proceedings of a Court of Oyer and Terminer in Barbados, June 12-15, 1705 (*duplicate of July 16*); and Minutes of Assembly of Barbados, June 4-July 11, 1705. Endorsed, Reed. from Col. Cleland, Oct. 22, 1705. 31 pp. [C.O. 28, 9. No. 19.]

Oct. 22. **1387.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose following report.* "And because it will tend very much to the peace and quiet of H.M. Island (*Barbados*), which is at present under great disorders, that a speedy end be put to those differences, we pray you will please to lay the same before H.M. by the first opportunity." *Autograph signatures.* 1 p. *Annexed,*

1387. i. Council of Trade and Plantations to the Queen. Representation on the petition of George Lillington, Oct. 11. *Propose* that H.M. order the Governor of Barbados to transmit to H.M. in Council an exemplification of the Commission by which the Court sat and of the summons and returns of the Jurors, the proceedings of the trials being already transmitted. And that H.M. direct any three Justices of the Peace to take any depositions to them upon the grievances of the Petitioner, and that copies of the particulars be given to such

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persons there as shall desire the same, to be transmitted likewise. In the meantime by reason of the distance of the place and the length of time necessary for bringing this whole matter before your Majesty in Council, we offer that your Majesty would order that upon Lillington's giving sufficient security for answering to your Majesty the fine of 2,000*l.* at such time as your Majesty shall direct, the sum now deposited in the hands of the Deputy Auditor of that Island be restored unto him. 2½ *pp.* *Annexed.*

1387. ii. Particulars of complaints of George Lillington. [See Oct. 11.] 2½ *pp.* [*C.O.* 28, 38. Nos. 40, 40.i., ii.; and 29, 9. *pp.* 384–391.]

Oct. 22. **1388.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* copy of Mr. Campbell's letter, relating to French incursions in Newfoundland, to be laid before H.M. [See Oct. 18.] [*C.O.* 195, 4. *p.* 61.]

Oct. 22. **1389.** Mr. Popple to Mr. Burchett. The Council of Trade
Whitehall. and Plantations send you a copy of the information they have received of French incursions in Newfoundland, to be laid before H.R.H. Council. They desire to know what intelligence you may have received from the Commander of this year's convoy or otherwise relating to Newfoundland. [*C.O.* 195, 4. *p.* 62.]

Oct. 22. **1390.** Governor Sir B. Granville to the Council of Trade and
Barbados. Plantations. *Acknowledges* letter etc. Aug. 30, which I shall fully obey. I have with an heart full of the deepest acknowledgment reciev'd an account of the justice H.M. has bin pleas'd to doe me in relation to the complaints proffer'd against me, and am sensible of the obligations I have to your Lordships for the part you have bin pleas'd to have in it, and your justice in laying open the malice and falsity of my enemies. As it has bin my care to assert the authority of H.M., so has it bin no lesse my endeavours to unite the minds of the people and to promote the publick peace, service, and welfare of the Island, of this many instances are already to be given, and I hope, with the grace of God, to give many more. *Has not received letters of* April 2 and 3, and July 28. A new Assembly has bin called, and by the dispositions they have shown at their first meetings, I have reason to beleive there is a better temper amongst them, both in relation to one another and the publick service, then has appeared in this place for some years past. A very malignant sicknesse has bin amongst the seamen on board H.M. ships here, but it has not reached the Island, which is very healthy. *Signed,* Bevill Granville. *Endorsed,* Recd. Jan. 10. Read April 15, 1706. *Holograph.* 3 *pp.* [*C.O.* 28, 9. No. 35; and 29, 10. *pp.* 38–40.]

Oct. 22. **1391.** Same to Mr. Popple. *Acknowledges* letter of July 28 etc.
Barbados. *Signed,* Bevill Granville. *Endorsed as preceding.* *Holograph.* 1 *p.* [*C.O.* 28, 9. No. 36; and 29, 10. *p.* 41.]

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[Oct. 23.] **1392.** Depositions by Arthur Slingsby, Edward Chilton and Col. John Holder, that James Colleton had caused no obstruction to the cause depending between him and Sir John Colleton in Barbados. With copy of proceedings, and Sir Governor B. Granville's certificate that Benjamin Bullard took oath that the said depositions were sworn before him. *Endorsed*, Recd. from Col. Cleland. Recd. Read Oct. 23, 1705. 10 pp. [C.O. 28, 9. Nos. 10-14.]
- Oct. 23.
Whitehall. **1393.** W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations desire your opinion in point of law upon the enclosed Act of Nevis, passed June 20th last, *for quieting John Panton, his heirs, etc. in a parcel of land in St. Christophers*, and particularly whether the Letters Patent mentioned therein be valid. [C.O. 153, 9. p. 263.]
- Oct. 23.
Whitehall. **1394.** W. Popple, jr., to Mr. Penn. *Encloses* Attorney General's opinion, Oct. 19. [C.O. 5, 1291. p. 224.]
- Oct. 24.
Cockpit. **1395.** Mr. Secretary Hedges to the Council of Trade and Plantations. The enclosed is an advertisement wch. Mr. Dummer proposes to be published in the West Indys for the convenience of sending letters and packetts *etc.* to and from thence for intelligence as well as for the benefit of the Spaniard (with whom H.M. has been pleased to open a Trade with her subjects) and the Dutch, as for her own Plantations and subjects. I am to desire you will please to consider of that part which relates to the Spaniards and Dutch, and to desire your opinion how far you conceive the like advantage may be permitted to the subjects of those Nations as is granted to those of H.M., and whether it may be proper to be done for the service of H.M. and interest of the Nation. H.M. being of opinion that it is necessary that a more frequent intelligence between England and Newfoundland may be had, as of great use to the security and preservation of so advantageous a trade as that of the Fishery there is, you are to take that also into your consideration, and to discourse with Mr. Dummer upon it, and know of him how far it may be practicable to be done by his packet-boats, or what other method you can propose for it; upon both which points I am to desire your opinion as soon as may be, *etc.* *Signed*, C. Hedges. *Endorsed*, Recd. Read Oct. 26, 1705. 2 pp. *Enclosed*,
1395. i. Mr. Dummer's proposed advertisement of the sailings of his West India Packets *as above*. *Copy*. 3½ pp. [C.O. 323, 5. Nos. 89, 89.i.; and (without enclosure) 324, 9. pp. 110, 111.]
- Oct. 24. **1396.** Mr. Byfield's receipt from the Officers of the Rope Yard at Woolwich for 6 barrels of South Carolina pitch at the rate of 12*l.* per tun. With certificate that the pitch is good and fitting for the service of H.M. Navy. *Endorsed*, Recd. from Mr. Byfield. Recd. Read Nov. 22, 1705. 1½ pp. [C.O. 5, 1263. No. 48.]

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- Oct. 24. **1397.** A. Burnaby to W. Popple. *Returns enclosed with*
 Prize Office. *some alterations made by the Commissioner of Prizes. Signed,*
A. Burnaby. Endorsed, Reed. Read Oct. 25, 1705. Addressed.
1 p. Enclosed,
1397. i. Draught of Circular Letter relating to Prizes, with
some alterations. 2 pp. [C.O. 137, 7. Nos. 14, 14.i.]

Oct. 24.
 Whitehall.

1398. W. Popple to Anthony Burnaby. The Council of Trade and Plantations agree to *above* alterations, but only desire to know whether Mr. Hamilton be Agent throughout all H.M. dominions in America, or only in the Islands, which are commonly called the West Indies. [C.O. 138, 11. p. 421.]

Oct. 25.
 London.

1399. Col. Quarry to the Council of Trade and Plantations. I have seen some Votes and an Address from the Assembly of Virginia, wch. doth particularly concern myself, and therefore am obliged to lay before you the hardship or injustice they have done me both in respect of the subject matter as well as the circumstances and manner of carrying on the said votes and address. As I stated in my memorial, June 20, 1703, *q.v.*, the people of Virginia are industrious and loyal, except a set of men who for 20 years have been of a sowre and uneasy temper, clamouring against each successive Governor *etc.* *Praises* the impartiality of Gov. Nicholson *etc.* Their prejudice against me was grounded on my endeavours to justify him, of which they learned from a garbled version of my memorial sent them by Robert Beverly. They took the opportunity to pass the votes and address against me when I was 600 miles away at Albany, without giving me the common right of speaking for myself, picking out words and sentences from my memorial and forcing a sense on contrary to the very nature of what I said. I am informed they took their president from the Parliament of Ireland's Address to H.M. against the Commissioners appointed to manage the forfeited estates. *Prays* the Board to represent his zeal to H.M. *Signed,* Robt. Quarry. *Endorsed, Reed. Oct. 26, 1705. 3 large closely written pp. [C.O. 5, 1314. No. 67.]*

Oct. 25.

1400. Stephen Duport to the Council of Trade and Plantations. A general Assembly of the Leeward Islands was held in June last at Nevis by Col. Johnson, when several laws were passed. There was not tymely notice given to St. Christophers, so that the Representatives did not or could not be present. The inhabitants of St. Christophers, considering themselves aggrieved, by two of those laws (1) *to settle general assemblies and to secure to each Island their own particular laws and customs,* and (2) *for establishing Courts and administration of Justice throughout the Leeward Islands,* have appointed 3 deputies to come to England to attend your Lordships. *Prays* that the said Laws be not confirmed till their arrival. *Signed, S. Duport. Endorsed, Reed. Read Oct. 30, 1705. 1 p. [C.O. 152, 6. No. 25.]*

1705.
Oct. 26. **1401.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. *Enclose*, Petty Expenses of the Office of the Council
of Trade and Plantations, Midsummer to Michaelmas, 1705.
Total, 29*l.* 4*s.* 8*d.* Stationery, 22*l.* 0*s.* 8*d.* Wood and Coals,
34*l.* 4*s.* 9*d.* Postage, 89*l.* 4*s.* [*C.O.* 388, 75. Nos. 131-134;
and 389, 36. pp. 307-309.]
- Oct. 26. **1402.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose following*.
1402. i. Draft of Circular letter to Governors concerning prizes.
[*See* Nov. 1.] [*C.O.* 138, 11. pp. 421-424.]
- Oct. 26. **1403.** W. Popple, jr., to W. Lowndes. The Council of Trade
Whitehall. and Plantations have this day transmitted *preceding to Mr. Secretary*
Hedges. [*C.O.* 138, 11. pp. 424, 425.]
- Oct. 26. **1404.** Order of Queen in Council. *Referring enclosed to*
St. James's. the Council of Trade and Plantations to examine and report
upon. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 29,
1705. 1 p. *Enclosed*,
1404. i. Thomas Maycock, of Barbados, Planter, to the Queen.
Prays for the restoration of his estate sequestered at
the suit of Josias Harrison during his absence. [*See*
Dec. 13, and *Acts of Privy Council*, II. No. 977.] *Copy*.
6 pp. [*C.O.* 28, 9. Nos. 15, 15.i.; and 29, 9. pp.
392-398.]
- Oct. 26. **1405.** Order of Queen in Council. In accordance with Repre-
St. James's. sentation on case of G. Lillington [Oct. 22], except that Four
Justices of the Peace are to take depositions *etc.* [*See Acts of*
Privy Council, II. No. 976.] *Signed*, John Povey. *Endorsed*,
Recd. Read Oct. 30, 1705. 2½ pp. [*C.O.* 28, 9. No. 16;
and 29, 9. pp. 400-402.]
- Oct. 27. **1406.** Mr Secretary Hedges to the Council of Trade and
Whitehall. Plantations. *Encloses following*. It is H.M. pleasure that you
report your opinion of what is proposed therein. *Signed*,
C. Hedges. *Endorsed*, Recd. Oct. 29, Read Nov. 8, 1705. 1 p.
Enclosed,
1406. i. Extract of letter from Governor Seymour to
Mr. Secretary Hedges, July 3, 1705. q.v. 5½ pp.
[*C.O.* 5, 715. Nos. 90, 90. i.; and (without enclosure) 5,
726. p. 333.]
- Oct. 29. **1407.** Governor and Company of Rhode Island to the Council
Newport. of Trade and Plantations. *Enclose following*, being triplicates
of what was sent formerly; the two former taken by the enemy.
Acknowledge Sir C. Hedges' letter enclosing Acts and Gazette.
Signed, West. Clarke, Sec. *Endorsed*, Recd. Dec. 31, 1705.
Read Jan. 23, 1706. ¾ p. *Enclosed*,
1407. i. Governor and Company of Rhode Island to the
Council of Trade and Plantations. Newport, Sept. 25,

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1704. *Acknowledge* letter of March 17, 1703-4, *with enclosures*. We cannot be silent in matters of such greate importance, wherein we have bin rendred contemnners and obstructors of H.M. Laws. As to the repealed Act for *stating an Admiralty Court*, in 1694 one Capt. Hoar, commissioned from Jamaica, brought a French prize into this Govermt. praying condemnation of the same, there being no judges nor other officers at that time appointed by H.M. High Cort of Admiralty in these parts of America, the authority hear deemed that there was a necessity in that time of warr for the incuragmt. of H.M. subjects, against the common enemy, to give them what relief and dispatch they could, and altho not expressly worded in our Letters Patent, the erecting any such Cort, yet it was concluded, we might by virtue thereof state such a Cort untill H.M. pleasure should be further known, or untill there should be a judge and officers appointed by the Admiralty for the houlding such Courts in this Collony (*see C.S.P. 1698. No. 423*). And since there hath bin *officers so appointed*, we have yelded due and submissive obedience thereunto, giving our assistance therein when desired, without the least obstruction to any officers; neigther have we presumed to exercise any authority by vertue of the aforesaid Act in '94, neigther have we anyways obstructed the Collector or Receiver at any time in the execution of his office, since he hath had a Commission for this Govermt., but have redily submitted to, and we hope H.M. and your Lordships will pardon us wherein we do not submit to any authority but what shall have lawful and immediate commission to exercise the same within this Collony; for we do hould ourselves (as we have allwayes done) accountable to the Imperial Crown of England for all our actions and proceedings, when thereunto caled, and to none other but such as shall be lawfully commissioned from the same. As to the ship (which hath bin represented to be of 5,000*l.* value) brought into the Govermt., wherein we are accused for detaining the same, and not permitting her to go to her Commission port, H.M. hath bin misinformed *etc.* *Enclose* copies of proceedings *etc.* Mr. Coleman, commissioned by the Prize Office for recovering the Lord High Admiral's dues within the Massachusetts Bay, endeavoured to extend his authority within this Govermt, but this Collony not being incerted in sd. Commission, we did deeme ourselves not oblidged, nor safe to submit thereunto, not knowing but some other person might have a perticular Commission for the same, *as happened in the last reign*. The Governor readily accounted to him when he produced a second Commission, wherein this Collony was incerted. *Pray God to forgive their adversaries etc.* What we have

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- done hath bin purely to serve H.M. and encourage her subjects against the common enemy *etc. etc.* *Signed*, By Order, West. Clarke, Sec. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 1705. 4 pp.
1407. ii. Copy of Governor Cranston's Commission appointing appraisers to value the condemned Spanish prize brought in by the *Hanna and Mary*, Capt. John Blew, the *Charles*, Capt. Peter Lawrence, and the *Tyger*, Capt. Jeremiah Burrows. May 8, 1703. 1 p.
1407. iii. Accounts of the goods, called small plunder, taken on board the Spanish prize *Jesus de Nazareno*, and divided amongst the Captains and Companies of the *above* privateers. *Total value*, 441*l.* 9*s.* 9*d.* There was no more of any value taken in said ship but what there hath been a true account given of. *Signed*, Matt. Witter, Wm. Gibbins, Ralph Austin, Thomas Burch, Quartermasters. *Copy*. 1¼ pp.
1407. iv. Copy of Petition of George Lawson (?) and Andrew (?) Funiell, Merchts. in Boston, on behalf of themselves and the rest of the owners of the *above* privateers to Governor Cranston, praying him to appoint Joseph Appleton of Boston and John Mulder of Newport to appraise the goods on the Spanish prize. *Signed*, Georg Lason, Andrew Fanevil [sic]. 1 p.
1407. v. Copy of petition of Cpts. Lawrence, Blew and Burrows praying for a condemnation of the Spanish prize. Newport, April 23, 1703. ½ p.
1407. vi. Governor Cranston to Thomas Newton, Deputy Judge of H.M. Court of Admiralty, desiring him, *on preceding petition*, to come to Newport to condemn the prize *etc.* "Indeed I should have been glad if they had not brought it into this Government, as I tould them before her arrivall, for I feared it would create us many enemys besides much troble to myselie with little profit." *etc.* *Signed*, Saml. Cranston. *Copy*. 1 p.
1407. vii. Appraisalment of goods taken in the *Jesus de Nazareno*. *Signed*, Nathaniel Coddington, Benjamin Newberry, John Mulder. Newport, May 31, 1703. *Copy*. 1 p.
1407. viii. Appraisalment of the *Jesus de Nazareno* and her cargo. *Total*, 1,681*l.* 15*s.* 3*d.* *Signed and sworn to by preceding and by* Joseph Appleton. Newport, May 11, 1703. 1¼ pp.
1407. ix. Deposition of Capt. Lawrence of the *Charles*. About Aug., 1702, I received a Commission from Governor Dudley, made prize of some small vessels and sent them into our Commission port. One was forced down to South Carolina where the Compa. had her condemned and sould. We recruited at Providence, and off Cuba joined Capt. Blew, commissioned from Boston, and Capt. Burrows out of Barbados, and taking the *Jesus de Nazareno* in the Bay of Metanees brought her into Road Island. Some of our owners advised us to

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come to Boston, which our three Companies would not allow of, we having instructions both from the Governor of Boston and our owners that prizes taken to the Eastward we should send to Boston, and to the southward, into any of H.M. Governments in America for condemnation. The owners debated the matter with us a long while, till the three companies voated to condemn heare, so that the owners and everyone was well satisfied, neither was the Governor nor Government of Rhoad Island anyways pressing or endeavouring to stop us from our Commission Port, but we had free liberty to depart *etc.* *Signed and sealed*, Peter Lawrens. July 18, 1704. 2 pp.

1407. x. Copies of sea-commissions granted by John Greene, Depty. Governor of Rhode Island, 1694. 3½ pp. [C.O. 5, 1263. Nos. 57.A.-57.K.]

Oct. 29. **1408.** Governor and Council of Rhode Island to the Council of Trade and Plantations. *Acknowledge* receipt in August of charges exhibited against this Government, and Order in Council Feb. 12, 1704. The time (*allowed for our answer thereby*) was expired before the Order came into our hands. We hope noe advantage hath or wil be taken against us for want of our answeare, since there can be noe default assigned either in our Agent or ourselves in that point. By the first opportunity we have sent our answer to our Agent, Mr. Wm. Wharton, *etc. etc.* *Signed*, pr. Order, West. Clark, Sec. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 1706. 1 p. [C.O. 5, 1263. No. 57. m.]

Oct. 29. **1409.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Approve* Mr. Dummer's Advertisement (Oct. 24), except what relates to the Spaniards, which we do not conceive fit for a Publication, but to be managed in more private manner. And as to the Dutch, we likewise think such a publication improper, our Laws not encouraging so near a correspondence with other Nations in America. As to proposal of a packet boat for Newfoundland, we should be very glad that there were as frequent a communication between that place and all the Continent, as with the Islands, but having discoursed with Mr. Dummer, we do not find him inclined to undertake the same, the place being sufficiently frequented in the summer, and that navigation being almost impracticable in the winter. [C.O. 324, 9. pp. 112, 113.]

Oct. 29. **1410.** Circular letter to H.M. Governors in America from
Whitehall. the Council of Trade and Plantations, *recommending* Mr. Dummer and his Agents to their assistance. "And for your better information we send you the inclosed scheme, prepared by him, to be made public." *Mem.* The scheme to be added by Mr. Dummer. [C.O. 324, 9. p. 112.]

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Oct. 29. **1411.** W. Popple, jr., to Mr. Attorney General. The Council
Whitehall. of Trade and Plantations desire your opinion upon the case of
Thomas Maycock. [Oct. 26.] [*C.O.* 29, 9. p. 399.]

Oct. 30. **1412.** W. Popple to Sir Edward Northey. *Encloses Acts of*
Whitehall. Nevis, March–July, 1705, for his opinion in point of Law. *List*
of Acts annexed. [*C.O.* 153, 9. pp. 268–273.]

[Oct. 30.] **1413.** S. Wright to the Council of Trade and Plantations.
Enters a caveat, on behalf of Col. Joseph Crisp of St. Christophers,
against two Acts of the Leeward Islands, unjustly directed against
him. *Signed,* Sam Wright. *Endorsed,* Reed. Read Oct. 30,
1705. $\frac{3}{4}$ p. [*C.O.* 152, 6. No. 24.]

Oct. 31. **1414.** Lt. Governor Bennett to the Council of Trade and
Bermuda. Plantations. Your Lordps. of Aug. 30 last I recd., by which I
understand mine of Jan. 31 last miscarried. I sent it via Barbados,
and had an account of its being delivered to the packt. boat,
which I must conclude was either lost or taken, or former methods
were again put in execution of intercepting my letters. *Acknow-*
ledges letters of March 6, April 20, 26, 27 and May 30; answered
Oct. 9, duplicate enclosed. By H.M. Order, April 26, I find I
am to receive Orders to send Lieut. Henley home: if he is to
remain here till an opportunity happens directly for England,
it may not be in years, but with submission (as I have acquainted
Mr. Sec. Hedges) I think it most expeditious, that he be sent
from thence to Virginia, with orders that a man of war there
may receive him and his family. *Acknowledges* orders, July 28,
for a publick thanksgiving, which I will take care to have observed
accordingly. *Repeats complaint against* Capt. Jones for *arresting*
the Provost Marshal etc. I did never affix the seal to any thing
but what was done by the hands of the Secry. or his Deputy.
Your Lordps. say that the Provost Marshall should be made use
of for the Ministeriall keeping and issuing the stores: a consider-
able time before Capt. Jones, his return heither, I by the advice
of the Council ordered that sufficient powder houses should be
built in the severall Forts, and when compleated I delivered
powder and ammunition to the respective Commanders thereof:
also by the like advice I distributed to the Feild Officers and
Captains of the Militia, barlls. of powder, to be by them securely
kept, and took their receipts for the same. My reasons for all
which were that as the magazine stands in the Town of St. Georges,
and severall houses near it, and some of them thatched, which
makes it very hazardous trusting the whole store of powder
there, and that by having a quantity in the Castle and Forts,
it was more secure and ready at hand on occasion; and by giving
some in charge to the Field Officers and Captains, it was still
more distributeing it, consequently an accident could not be
so fatall, as if all were under one roof: besides, should an enemy
attempt and take the town, and we forced to retreat into the
country, we are still sure of a supply of ammunition. If I and
the Council have been wrong in this affair, I shall (if your Lordps.

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think[s] fit) call in all the powder etc. soe distributed, and put it into the magazine, and give it into the keeping of Capt. Jones. I hear that one Dr. Star, who has been a continuall disturber of Governmt. since my comeing, hath prefer'd a remonstrance to your Lordps. relating to his hardships received, therefore I thought proper again to transmit the proceeding against him att the Quarter Sessions. As in mine of Oct. 9. all courts stand still till your Lordps' directions arrive, should I have suspended the Council for not complying with H.M. Order (of restoring the Secretary and Provost Marshall to all his offices) and turned out the Judges for not allowing his pretensions of being their Clark, it would have made a distraction in the Governmt., for I cannot find out five persons qualified to be Councillors nor Judges that will act if Capt. Jones was to be their Clark, the Country in generall is so much against him, therefore thought it better to continue them now in, that there may be some show of authority. *Signed*, Ben. Bennett. *Endorsed*, Recd. June 24, Read July 2, 1706. *Holograph*. 4 pp. *Enclosed*,

1414. i. Proceedings of Quarter Sessions, Bermuda, July 13, and Aug. 25, 1704, against Josias Starr. Upon the information of Thomas Burton, Attorney General, Dr. Starr was sentenced to receive 39 lashes on his naked back, well laid on by the common hangman, at the common whipping post at the town bridge in St. Georges and to be kept in gaol until the next General Assizes, for writing and speaking to "villifie, contemn and lessen the members of H.M. Council" etc. Further complaint against Dr. Starr on H.M. behalf referred till next legal Court. *Endorsed as preceding*. *Copy*. 4½ pp. [C.O. 37, 7. Nos. 28, 28.i.; and (without enclosure) 38, 6. pp. 191-195.]

Nov. 1. **1415.** Council of Trade and Plantations to Governor Sir B. Westminster. Granville. Since ours of Aug. 30, we have received yours of June 24 and July 16. We shall in due time examine the Collection of Laws, etc. You will receive an account from the Agents of all that has past here. We are sorry to find by the fresh complaints that are now before us, that no effectual stop has been put to the divisions and animosities that are in that Island. We hope you will take the best methods to compose those unhappy differences. [C.O. 29, 9. pp. 408, 409.]

Nov. 1. **1416.** R. Cary to Mr. Popple. I have not had any London. Instructions from the Leeward Islands relating to a trade with St. Thomas. *Signed*, Rd. Cary. *Endorsed*, Recd. Read Nov 1, 1705. *Holograph*. ½ p. [C.O. 152, 6. No. 29; and 153, 9. p. 280.]

Nov. 1. **1417.** The Queen to Governor Sir B. Granville. Whereas St. James's. wee are given to understand that great abuses have been committed in our Plantations in America in matters relating to Prizes, we hereby strictly charge and require you to interpose with your

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authority and advice in all differences arising between the Agents appointed for the management of Prizes and the Captains of our ships of war and others concerned, who shall make application to you, as likewise in an especial manner to be aiding and assisting unto Alexander Hamilton, who is appointed by our Lord High Treasurer to be Agent in the West Indies, in the discharge of his office, etc., as also to transmitt unto our High Treasurer from time to time exact accounts of all occurrences concerning prizes that happen to be brought into Barbadoes, etc., whereof you are not to fail. *Countersigned*, C. Hedges. A similar letter, *mutatis mutandis*, was written to Governor Handasyde and Lt.-Gov. Johnson. [*C.O.* 324, 30. *pp.* 44-46.]

Nov. 1. **1418.** (a) Abstract of the Muster-rolls of the Old Company at Newfoundland, Nov. 1, 1705. 52 privates, with officers.

(b) Abstract of Muster-rolls of the new Company at Newfoundland, Nov. 30, 1705. 80 privates with officers. *Endorsed*, Recd. from Mr. Roope. Recd. Read Jan. 16, 1705 $\frac{1}{2}$. $\frac{3}{4}$ p. [*C.O.* 194, 3. No. 90; and 195, 4. p. 102.]

Nov. 1. **1419.** Council of Trade and Plantations to Lt.-Governor Whitehall. Johnson. We have yours of July 4 and 27. The transcribing and transmitting to us a compleat collection of all the laws in force in each respective Island under your Government is a work absolutely necessary for H.M. service, and we expect that it be done, nor can we imagine that any of the Deputy Secretaries should refuse the doing thereof, if a fitting recompence was allowed them. By a collection of the Laws in force, we do not mean such only as have been confirmed by the Crown, but all such as have been passed, and are neither repealed nor expired. We desire the collection for each Island may be separte by itself, as also the collection of those past at the General Assembly of all the Islands likewise by themselves. We are sorry to find the Assembly of St. Christophers have been so refractory as not to provide the necessary quarters for H.M. officers and soldiers there, and we desire you to represent to the said Assembly, and to any of the others, as there may be occasion, that unless they do take care to provide the necessary quarters for the said officers and soldiers, H.M. will be obliged to recall them. [*C.O.* 153, 9. *pp.* 278, 279.]

Nov. 1. **1420.** Council of Trade and Plantations to the Queen. Having Whitehall. received several Acts past at a General Assembly of your Majesty's Island of Antego in 1704, and having had the opinion of your Majesty's Attorney Generall thereupon in point of law, we humbly represent to your Majesty that the Act entituled, "An Act for holding a Court of Chancery in this Island by the Lieut. Governor or President and Councill in the absence of the Commander in Chief, and for the speedy dispatch of Causes in the said Court," is not fit for your Majesty's approbation. For that the powers given by this Act to the Lt. Governor or President of the Councill and 3 of the Councill in the absence of the Governor, to hold the Court of Chancery, is properly done by your Majesty's Commission and

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Instructions to the Governor, which will be in your Majesty's power to alter, if any inconvenience appears, but cannot be done if this Act be approved. This Act, likewise, excludes all appeals to your Majesty if the value of the matter decreed does not exceed 500*l.* current money of that Island, which ought not to be. There are also other clauses in the Act which may be prejudicial to your Majesty's service. The Act "for establishing of Courts and settling due methods for the administration of justice," is also unfit for your Majesty's confirmation, for that by your Majesty's Commission to your Governor of this Island, he is empowered to erect Courts and name Judges and other officers, and what such Governor may do is done by this Act, which seems to be prejudicial to the authority given by your Majesty to your Governor; and this Act lessening your Majesty's Prerogative in matter of Appeals. We have no objection why your Majesty may not confirm the Act, "impowering a Councill of Officers to appoint methods for repairing trenches and breastworks, etc." [*C.O.* 153, 9. pp. 280-283.]

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1421. Council of Trade and Plantations to Governor Handasyd. *Acknowledge* letters of July 18 and Aug. 12. We are sorry you have had such difficulty in managing the late Assembly; but observing that the new Assembly proves of a better temper, *etc.*, we doubt not but that by your prudent conduct you will have persnaded them to pass the Act for Quartering of souldiers. [*C.O.* 138, 11. pp. 435, 436.]

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1422. Governor Dudley to the Council of Trade and Plantations. I humbly addressed your Lordships last by a runner to New[castle] and duplicate thereof, by the Virginia fleet of July 25 last, *etc.* I humbly offer your Lordships the several Acts of As[ssembly] of which I had the particulars which were mislaid, as also all the Acts of [Assembly] and Minutes of Council of both Provinces, the Massachusetts and New Hampshire, since my last account which went by the *Advice*, Capt. Morrice Commander, who I am advised is well arrived, and I hope has been more carefull than Capt. H[ern] was of the map of this Province, which was carelessly left at Portsmouth, notwithstanding the great charge I gave him of it and the value I put [upon] it to him. *Acknowledges* H.M. commands of Jan. [2]1st, referring to Pemaquid and salaries for H.M. Governour and Lieut. Governour. And that I might niether delay those Articles nor be put by a plain and peremptory answer from the Assembly, if pos[sible] to H.M. satisfaction, I held a specia^l Session in the Assembly in Sept. last, when I communicated H.M. letters to the Council and Assembly and allowed them not to proceed to any other affayr of the Province, that I might have their positive and direct answer, and used all the methods and arg[uments] with them in my power, assuring them, of H.M. favour upon their obedience, one instance whereof was before them in the same Letters, which was the bounty of the cannon for the Castle, and that they themselves saw meet originally to erect that fortification without any such strict command, and lost it very foolishly, so that [it was] much more

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necessary now, both to procure our defence and show our obedience, and the present charge of the war would be no excuse because three years since when they were in peace they had refused the same commands. I also urged the danger of their diso[bedience]. And on the head of salarys, I told them how unreasonable it was that H.M. Governours should have no establishment, but depend absolutely upon their favour [for] a support, which was so arbitrary that no person could know how to regulate [his] expences, and that H.M. at my coming had commanded that a house should [be] built or taken fit for the reception of a Governour, which they had not done, [and] if my own estate and settlement were not near the town I could not tell how [to] dispose my self; that if they had any complaint to offer for male administration [of] the Government to make their present Governour or Lt. Governour unworthy such [pr]ovision, they might freely offer it to H.M. But no methods will prevail in the least with them but they have positively re[fu]sed all, and have sent their Address signed by the Secretary in the name of the Councill and the Speaker of the Representatives wherein after their thanks to H.M. [for] the cannon, they offer their reasons why they cannot build Pemaquid, that it is useless and no [cu]rb to the Indians, which is very mistaken being allways a great benefit and [sec]urity of the Province, and that Casco Fort does the same, which being but a [tr]ading house, I have since my arrivall raysted to be a regular work, which [the]y would have instead of Pemaquid, but on the contrary I allways told them [th]e day the gates of Pemaquid were raysted, I would rase Casco Fort being a farr [mu]ch less serviceable place, and the building of Pemaquid being now particularly [com]manded by H.M. [In] their excuse for not assisting the little Province of New Hampshire towards [thei]r fortification, they alledge they have payed duty towards the support of [th]at fort, which is also a mistake, there is nothing payed there by any but fees to the [Of]ficer for clearing at the fort, nor any duty or tax ever raysted for the building [or] repair of the walls there, to which any part of the Massachusets payed any[th]ing. The Acts of the Revenue are all before your Lordships, which will evince it plainly, and the Guards spoken of for the masting and other trade is what they cant help, the Province of Main, which is part of the Massachusets Government, lying between the enemy and the little Government of [Ne]w Hampshire, so that in defending themselves they must needs defend their neighbours. To the Article of salaryes they playnly answer they stand up their [r]ights, they will not do it, and alledge their Charter for it, which says nothing therabouts, but add that they will support their Governour, but allways as they please, which has been hitherto about 500*l.* of this countrey money, which amounts not to 350*l.* sterling, that will by no means support the expence of a table, servants and horses. Mr. Phips, the Agent of this Province at present, will attend your Lordships, [I] suppose or Sir Charles Hedges with the address which I am humbly of opinion cannot be acceptable to H.M., I humbly pray your Lordships to represent [m]y pressing endeavour in the matter for

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H.M. satisfaction, and notwithstanding my free offer to them at all times to complayn, they acknowledge their [*aff*]airs of warr and everything else proceed better than at other times, but they will [*ha*]ve their Governour depend upon them, and what they shall do for him shall be the [*las*]t hour of their Session, least he should prorogue or dissolve them before they [*pl*]ease to rise. I have used all methods upon the receipt of the Act of Parliament for Navall Stores to put the people upon it to reform the burning quality in the tarr, which proceeds only from the slovenly dressing and overburning in the drawing of it, which I hope will be reformed, and H.M. favour therein will put the Provinces upon that trade and divert the woollen manufactory here in a great degree. I have inclosed the planns for the several fortifications in [*? both the*] Governments, with the account of ordnance and stores in them and expences severally, which I have also humbly offer'd at the Board of Ordnance in obedience to H.M. commands of Feb. 22, 1704. The planns are drawn by Captain Rednap and the accounts by the Master Gunners severally and I hope will [*be accepta*]ble to your Lordships. They were all in Caryes packet-boat before that command came to me, and shall not for the future be neglected, but may miscarry by reason of the [*? warr as*] many of my packets have done heretofore. I am very sorry that Cary should offend your Lordships in printing those tryals [*be*]fore he had done his duty to offer them to your Lordships, and neglect his [*duty*] referring to the Prisoners sent home by him, or trouble himself about the pyrat[*? es' treasure*] to obtayn it for this Province, while they set so light by H.M. [*? commands*]. He had no other Instruction from me, nor business into England but to deliver [*? Larimore*] and his Lieutenant prisoners, humbly to offer my letters and to attend your Lords[*hips*] commands, but with the loss of his papers, I think he lost this prudence also, and pray your Lordships not to attribute his faults to me, having no other intention in sending him but that H.M. might see my care and industry in discovering and proceeding against those ill men. I have now by H.M. command sent home to my Lord Treasurer [7]88oz. of gold, the pirates' treasure clear of charge, [*and*] notwithstanding in my account sent home by my last letters I charged 5 [*per cent.*] for myself, the double of which has been taken by other Governments, but my Lord Treasurer in his letters having assured me that he would represent my service [*therein*] for H.M. royall bounty, I have withdrawn that Article and not take[*n one*] farthing for myself for all the proceedings against the Pyrates, nor obtayning their treasure out of 40 hands, where it was hidden. I humbly referr my[*self to*] H.M. favour therein, and pray your Lordships' favourable represen[*tation*] of me that the people here may not insult that after all my service I h[*ave no*] benefit thereby nor countenance from H.M. therein. I lately received from the Rt. Hon. Sir Charles Hedges two new seals with H.M. commands to break the late King's seal in use hitherto in [*both*] the Provinces, and in a few days after I broke both those seals and disposed the [*new*] ones into the proper offices, and they are in use. Refers to Minutes of Council. [*Mr. Allin's*] widow

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and daughters [are] here, but his only son is in England, your Lordships will best judge whether it be [best] for his family to take up with the offer of compromise made by New Hampshire, a copy whereof I have now also in [closed, or] that they shall further proceed in law. Mr. Allen dyed the day after that compromise was offered him, and so could say nothing to it, but it is most certain there is not [one] person in the Province of New Hampshire, Councillor, Judge or Jurymen, will e[ver be] found to do that title right, being so concerned in the lands of the Province. Mr. Allin had before his death appealed from the Superior Court of the Province to the Governor and Council as the Commission directs, which Cou[rt was] to sit the day Mr. Allin was interred, I could not judge what your Lordships would direct and I did thereupon continue that Court of the Governor and Council for six months by adjournment and have now again adjourned it to May [10th] next, until the heir might appear to manage the appeal, but I am [sens]ible that the issue will be the same then, all the Members of the Council being [tert]enants in the Province, and my judgement alone which I am very clear in, [hav]ing these 20 years known that matter, will avayle nothing but to give my [? own] report, which your Lordships have had better done heretofore by my Predecessors, [and] yet no advantage thereby to Mr. Mason or Mr. Allin. I hope the young Gentleman will attend your Lordships for direction, and if I may be commanded [therein] I shall faithfully attend your Lordships' orders. I pray your Lordships will [ob]tain H.M. order for the admission of Richard Waldron, Coll. Winthrop Hilton and Major Joseph Smith of the Council of New Hampshire. I did also in my last pray your Lordships' direction referring to the establishment [a]t the Castle which was done in the year 1701 by my Lord Bellomont and is [in] the Minutes of the Assembly of that time before your Lordships, I cannot [obtain] of the Council to suffer Debenturs to be given according to that establishment, so extreemly are the Assembly and the Council set against any salary or establishment whatsoever, as your Lordships see in the papers I then sent home, [the] representatives demanding that the money pay'd by my order thereupon should be [res]tored into the Treasury; if your Lordships please to declare that establishment [to] be good untill another be made by the Government here and allowed by H.M., I hope that will quiet the matter, otherwise I can do nothing with them. [I] also pray'd your Lordships' direction in my last whether I might not refuse the Speaker at any time chosen by the Assembly, the Charter expressly declaring that all elections in the Assembly may be refused, but the Council have given their votes that I may not do it, and therefore I was fore'd this year [in] May last to allow Mr. Thomas Oakes, a man of no fortune nor principles [? of] Government to serve as Speaker, otherwise if thereupon I had dissolved that Assembly, I had lost a tax 22,000*l.* for the warr, which the Assembly preceeding had granted and directed them to raise, if your Lordships please upon the perusall of that clause in the Charter to declare it to be in the Governour's power, I shall use it with all moderation, and not

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shew any uneasiness where there is not a plain reason fit to be offered to your Lordships for my so doing. *Encloses* an account of births for the last year, which was difficult to obtain, new villages being careless therein, and Quakers not being to be brought to register their children, the account amounts to 2,000, to which may be added 500 on the reasons aforesaid. I shall bring it to a better posture for the future [*if*] I may obtain a law from the Assembly therein. I did about two months since in obedience to H.M. Commission, referring to Owaneco Uncasses's complaint, travell into Connecticut Colony, with the Commissioners named, and proceeded thereupon in the best form I could, having the service of the Attorney Generall of this Province, and Mr. Minzey [*Meinzies*] a good lawyer, with him *etc.* [*See Aug. 25.*] We published our determination, and gave a letter to the Governour and Company of Connecticut to see Owaneco put into possession accordingly. But by the treatment we had there, I am well assured nothing will be d[*one*] in it by that Government; your Lordships will see in the papers the protest [*against*] the Commissioners, which their managers publicly read in Court by perfect [*force*] against my repeated commands, and then drew off at a distance and with their officers clamourously commanded all persons to withdraw, and not to attend us nor [*give*] evidence, and some of them boisterously pulled down the hand of a witness s[*wearing*] and drew him out of the Court, and the people spoke freely amongst them[selves] of seizing us at the board, as I was severall times assured, however, we proceeded [*to an*] issue, and nobody but the persons concerned but judge well of the proceeding, [*and*] are glad of H.M. royall care and favour therein. And it is certain upon the proceedings of that Government there was not one [*? acre*] of land left for Owaneco's tribe in the world, if the grants must take effect. I pray your Lordships to be sensible of one thing in the grant, that Government will offer in their answer, when they grant the last reserved lands between London and Norwich to the town of New London, to make it plausible, they have added saving to the Indians their rights, which if sincerely meant, the grant gives nothing to New London at all, every acre of their grant being the reserved lands [*for*] the Indians, but their intention appears, for notwithstanding the said saving, they have measured out to their Governour and Mr. Saltonstall two grants called 400 acres, which by a sworn Surveyor amounts to 1,200 acres, and if we had not proceeded, the remainder had been layd out also. There remains to perfect that matter to the Indians' just satisfaction, H.M. acceptance of the judgement and report and commands to possess them thereof, and to remove those houses, fences and incroachments, otherwise in a short time they will proceed and forget all that has been done, and those Indians must leave that place and unless I can dispose them in this Province will go over to the enemy. If your Lordships can have the leasure to go over that judgement and re[*port*] I have no articles that I can offer referring to that Government like it, being humbly of opinion that if H.M. cannot grant Commissions to hear so apparent a breach between that Government and a

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Tribe of independent [*Indians*], from whom they have purchased 5 or 6 towns, near one whole county, [*and*] thereby acknowledge his title to those lands, that Corporation must be be[yond] all challenge. Some of their Gentlemen offered at it to prove Owaneco no Sachem or Go[*vernor*], but would not proceed, the evidence of his right and government being in t[*?* *wenty*] pages of their own records, and while we were there upon the ground, Owaneco proceeded orderly in his own fort to the hearing of a murder committed by one of his own tribe upon another, and put the murderer to death within 10 miles of the Governour's residence, without any interposall or consent of that Government, which has never been allowed in the Massachusetts these 60 years, but their Indian capitall offenders have been allways tryed by the Courts of the English, with a Jury *de medietate lingue*, notwithstanding we also acknowledge the Sachems' right to lands and purchased them justly, and have in every part strictly reserved lands sufficient for the Indians to dwell upon and manure. In obedience to your Lordships' commands upon the Articles against Rhoad Island, which I sent as commanded and have receipt for them from that Governour, I have after a very great trouble, and difficulty, obtained evidences to the severall heads, the persons giving evidence being principall persons of estates and figure in that and the other Provinces, lesser persons being afraid to be known to attend mee, alledging they cannot live in that Province in peace if it be once known they have given evidence against the Government, as Major Richard Smith was formerly pursued and prosecuted by that Government for petitioning King Charles II, the record of all that is in your Lordships' Office long since and something of it in these papers, and Capt. Eldrige, as he now informs, has been so pursued and abused for his attendance of mee with the Company under his command in the Naraganset Countrey, that he is forced to remove out of the Province 30 or 40 miles distance for his own quiet. In obedience to H.M. commands to demand assistance from the Colonies of Rhoad Island and Connecticut, I was willing to be at the charge to send gentlemen fit to bear H.M. Letters to those Governments commanding their assistance, and to make my own expostulations thereupon, and therefore sent Coll. Byfield, Major Converse, Speaker of our Representatives, and Mr. Samuell Lynds, men of estates and loyalty, who travelled to both those Governments and delivered H.M. Letters, and used all possible diligence to perswade the Governours severally to their duty, and alledged particularly to Connecticut Governour that for above 60 years past, when they confederated with the Massachusetts for mutual defence, they were obliged to bear their proportion, the Massachusetts 100 and Connecticut 60, which proportion held all the former warrs, but that they had now fayled and would be bound to nothing. This was done about 9 months since, during all which time I have had at no time less than 700 or 800 men in pay, but I solemnly protest I have never had one man nor penny from either of these Governments either for marching or garrisoning forces, and shall give over any expectation, if some other methods

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agreeable to your Lordships' wisdoms be not taken. It is true before that time Connecticut will alleged they have sent forces to our towns up the river of Connecticut above them, who have stay'd some time and returned. But that is only their own defence, those towns being their frontier and security, but I have not had one man for the Eastern service in the Province of Mayn, where the dint of the service is, nor have they at any time sent any manner of subsistence and ammunition for their men, nor will their men accept any Commission from me, nor obey any orders, but come and go when they please, that I can have no dependance upon them nor know their motion, nor when they draw off, and [a shew] of 100 or 200 men for 10 or 20 days, and this Province [to subsist] them, is nothing to the standing service that I have now been obliged [to for every] day for 3 years. I hope the evidences referring to Road Island will be found full in [every] Article, and my distance is greater from Connecticut, and my Lord Cornbury being their nearest neighbour I doubt not will supply that proof. I am humbly [of] opinion that the treatment of H.M. Commissioners on the Indian affairs, and their refusal to give any assistance since H.M. last commands will be enough to shew their resolutions to do as [they] please. I assure your Lordships I was at 50*l.* cost for the more [honou]rable delivery of H.M. letters to both those Governments, commanding their assistance about 8 months since, and I have not obtain'd one musqueteer, though I am upon my guard for 200 miles, and in my forts, garrisons and other services have necessarily ex[pend]ed 20,000*l.* this year, which is much less then the two former years have cost me, the whole charge of the three years amounting to 80,000*l.* I humbly thank your Lordships for the coming of the *Deptford*, Capt. Stukely Commander, he has performed a very good cruise as far as Port Royall, and since before the Capes of this Province and Piscataqua, and has [sic] been us[uall] heretofore, he is now going to guard our vessells at Saltertudas, upon which the whole fishery absolutely depends, which will take him these three winter m[onths], from Dec. to March, in which time he must have otherwise lay'd up the ship for fear of the ice and bad weather, and run the hazard of the loss of his men. It would be a great favour if I might have one lesser, a sit-rate, to assist in the guard and cruise where the *Deptford* cannot be without hazard. Signed, J. Dudley. P.S.—The plan of the Castle at Boston is not sent, Col. Romer acquainting me that it is already in your Lordships' office, and cannot easily be done presently by Capt. Redknap. Major Palmes, a Gentleman of Honour and great truth, comes in this fleet and will attend your Lordships to give evidence in the Articles of Connecticut; and understands that Government perfectly. Endorsed, Reed. Dec. 31, 1705. Read Jan. 22, 1706. Edges torn. 7 pp. Enclosed,

1422. i. Proclamation by Governor Dudley. Recalling absent sailors to H.M.S. *Deptford*, about to sail to the West Indies. Boston, Nov. 9, 1705. Printed. 1 p.

1422. ii. Proclamation by Governor Dudley. Laying an embargo upon ships bound for Barbados or the Leeward

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Islands until H.M.S. *Deptford* be ready to convoy them. Boston, Oct. 30, 1705. *Printed.* 1 p.

1422. iii. Proclamation by Gov. Dudley for a General Thanksgiving on Oct. 18 for the success of H.M. arms, for the quiet and tranquillity of the past summer and the prospect of a plentiful harvest. Sept. 20, 1705. *Printed.* 1 p.
1422. iv.-ix. A list of the causes tried in the several Courts in New England, Oct. 1704—Oct. 1705. *The whole endorsed*, Recd. Dec. 31, 1705. 17 pp.
1422. x. Register of births in the several towns of the Massachusetts Bay. April 5, 1704—April 5, 1705. *Totals, (Counties): Suffolk*, males 229, females 241; *Middlesex*, m. 203, f. 187. *Essex*, m. 231, f. 247. *Hampshire*, m. 91, f. 77. *Bristol*, m. 88, f. 92 (*more for Quakers*, 75). *York*, m. 18, f. 13. *Plymouth*, m. 42, f. 50. *Barnstable*, m. 91, f. 74. *Martha's Vineyard and Nantucket*, m. 22, f. 20.—*Total*, 2091 (*given as* 2071). *Endorsed as preceding.* 2 pp. [*C.O.* 5, 863. Nos. 144, 144.i.-x.; and (*without enclosures*) 5, 912. pp. 71-94.]

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Boston.

1423. Governor Dudley to [? Mr. Secretary Hedges]. *Acknowledges* letters of Jan. 25, Feb. 22, April 20. *Repeats part of preceding letter.* We are out of danger of correspondence with the French, who are beggars, are near as, and we only pray an opportunity of some of H.M. ships to remove them from our neighbourhood, which would for ever put all the Nor[thern] Provinces to peace . . . I have kept so good guard all along the frontiers this summer, that though they [*French and Indians*] have looked upon every part by their scouts, they have been able to do nothing but now and then steal a straggling boy in the forest, etc. *Signed*, J. Dudley. *Endorsed*, R. Dec. 30. 3 pp. *Enclosed*,

1423. i. Address of the Council and Representatives of the Massachusetts Bay to the Queen. Boston, Sept. 15, 1705. Reasons for their refusal to build a fort at Pemaquid, contribute towards the charge of Piscataqua Fort or settle fixed salaries on the Government, *as above*. *Signed*, Thomas Oakes, Speaker. 1 p.

1423. ii. Proposals for an exchange of prisoners offered by Governor Dudley to M. Vaudreville, Governor of Canada. *Endorsed* (? by Sir C. Hedges). Not to make any progress in this matter. 5 pp.

1423. iii. Copy of a treaty offered by M. Vaudreville, Governor of New France, to Governor Dudley, *in reply to preceding*. Quebec. Oct. 20, 1705. The war between them can never rebound to the glory of their sovereigns, but only to the ruin of some poor families. *Proposes* that all acts of hostility on either side shall cease, and that passports be given to vessels by the said Governors, etc. 9 pp. [*C.O.* 5, 751. Nos. 74, 74.i.-iii.]

Nov. 2.
Boston.

1424. Governor Dudley to the Council of Trade and Plantations. *Encloses* proofs, etc. of the Articles of Complaints relating

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to the irregularities of Rhode Island. *Signed*, J. Dudley. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 170 $\frac{5}{6}$. 4 pp. *Enclosed*,

1424. i. Governor Cranston's Receipt for the packet containing the charges against the Government of Rhoad Island. *Signed*, Saml. Cranston. July 25, 1705. *Endorsed*, Recd. Dec. 31, 1705. *Slip*.
1424. ii. Col. Dudley's Certificate that the following affidavits were made by persons of credit, *etc.* Nov. 1, 1705. *Signed*, J. Dudley. *Endorsed as preceding*. 1 p.
1424. iii. Deposition of James Meinzies, Oct. 12, 1705. There are great numbers of sheep on Road Island. There has been considerable quantities of wool carried thence to the mainland yearly. 1 p.
1424. iv. Deposition of J. Meinzies. There has been sundry pyrates harboured there, as Richard Cornish, Wm. King, George Cutler, Joseph Rogers, Peter Brock, *etc.* The three last named are still upon the Island, and Brock present Constable of Newport. 1 p.
1424. v. Deposition of J. Meinzies. A great many persons, both married and unmarried, went out of the Province [*of the Massachusetts Bay*] and lived in Rhode Island. Capt. Peter Laurence and Capt. Halsey taking their commissions to be private men of warr, carried out with them a great many young men from the Massachusetts, *etc.* 1 p.
1424. vi. Deposition of Capt. Halsey, of Boston, Aug. 3, 1705. To man the *Charles*, for which he had a Commission granted him by Governor Cranston, he had 25 men from the Massachusetts Bay, out of a complement of 47. *Signed*, John Halsey. $\frac{1}{2}$ p.
1424. vii. N. Byfield to Governor Cranston. Bristol, Aug. 18, 1703. I issued my warrant the 13th inst. for the detaching fourty able men to goe against the Indian enemy. Lt. Daniel Howland, Commander of the Militia Company in Tiverton, complains that some of his men have fled to Rhode Island, *etc.* *Demands* their return. *Signed*, Nathal. Byfield. *Subscribed*, Col. Byfield assured me he had many soldiers fled to Road Island, but never had one returned. *Signed*, J. Dudley. *Copy*. 1 p.
1424. viii. Col. Byfield to Gov. Dudley. Certifies as to the frequent running away of soldiers to Rhode Island, and the removal of people thither. *Signed*, Nathal. Byfield. Bristol, Aug. 30, 1705. 1 p.
1424. ix. Deposition of James Meinzies. Oct. 1705. Being a practicer in the Courts in Rhode Island he was employed by Wm. Cullimore of Scituate in ye Massachusetts against one Capt. Halles, then resident at Newport, who was lawfully arrested and bail taken for his appearance at next Court. Yet the Governor at his desire (when both plaintiff and his attorney were out of

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- the Colony) issued out his warrant upon the Saturday to call a special Court to sitt next Tuesday to determine the case. It was impossible the plaintiff could be notified and in readiness, whereupon the special Court cleared Halles, although plaintiff was always willing to have a special Court when he and his Attorney was upon the Island. 1 p.
1424. x. Extracts from the Laws of Rhode Island. Attested by Nathaniel Coddington. Boston. Aug. 7, 1705. 4 pp.
1424. xi. Deposition of James Meinziez that the Government of Rhode Island have tried sundry robberies, murders, etc., and sundry pyrates, who were thereby cleared, and the proceedings in their Courts are in sundry cases most arbitrary. 1 p.
1424. xii. List of persons tried and executed in Rhode Island, 1671-1673, for capital crimes—murder, and rape by an Indian and a Negro. *Attested by* Nathl. Coddington and Francis Brinley. 2½ pp.
1424. xiii. Commitment of Joseph Pemberton of Westerly. March 26, 1700. Found guilty of contempt of Court, he is bound to be of good behaviour under a penalty of 20l. till the next General Court, to pay all charges, and remain a prisoner till performed. *Attested by* Weston Clarke, Recorder, Francis Brinley, Peter Sanford, Nathal. Coddington. *Copy.* 1 p.
1424. xiv. Governor Cranston's warrant for the arrest of Joseph Pemberton, John Lewis and Edward Bliving [*sic*] until they give bond in 40l. each, to answer the charge against them (remonstrance of Westerly against being taxed by Rhode Island. *See* C.S.P. 1700. No. 580. xvi.). *Copy.* 1 p.
1424. xv. Copy of the petition of Joseph Pemberton to Governor Lord Bellomont. *Describes* his trial, March, 1700. *See* C.S.P. 1700. No. 580. xvii. 1¼ pp.
1424. xvi. Deposition of Giles Sylvester, Counsel for Robert Munday, Chyrurgion, who was indicted for piracy at Newport, April 3, 1703. He was acquitted by the Jury, but Counsil could not obtain that he should be cleared by proclamation or in the Records, nor the restoration of his confiscated goods from the Governor or Assembly. Munday was therefore forced to depart the country in debt. *Signed,* G. Sylvester. 2 pp.
1424. xvii. Extract of Report of the Commissioners appointed to examine the claims to the Narragansett Country. Oct. 20, 1683. *See* C.S.P. 1683. Nos. 1316, 1320, and 1684. No. 1986. 1 p.
1424. xviii. Deposition of James Meinziez. Oct. 12, 1705. Notwithstanding the Law of Rhode Island appointing the Laws of England to take place in all cases where they have no Laws in the Colony to the contrary, yet he, being a practicer at their Courts, have sundry times

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- upon particular cases been denied the benefit of the Laws of England. 1 p.
1424. xix. Extract from H.M. letter to Rhode Island, Feb., 1678, concerning the Narragansett Country. See C.S.P. 1679. No. 890. 1 p.
1424. xx. Further Extract from Report on the Narragansett Country. (*Cf.* No. xvii.) 1 p.
1424. xxi. Vote of the Assembly of Rhode Island for the arrest of Richard Smith. See C.S.P. 1679. No. 1067ff. 1 p.
1424. xxii. Minutes of Assembly of Rhode Island, Oct. 28, 1685. See C.S.P. 1685. No. 432. 1 p.
1424. xxiii. Extract from the Records of a Court of Trials. Newport, Rhode Island, Sept. 1704. On application for an appeal to England in the cases of Elisha Hutchinson *etc.* v. John Foues and Aron Jacques, the Court decreed that the plaintiffs ought to have a rehearing to another Court before the appeal be granted. The Governor enters his dissent. *Subscribed*, And further in said Colony there is no law for a rehearing possitive for either plaintiff or defendant being cast, but either may have a rehearing if they please, but it is to the same judges. $\frac{3}{4}$ p.
1424. xxiv. Deposition of James Meinziez that the Government and Courts of Rhode Island have frequently refused appeals to the Crown, as in the case of Brinley v. Dyer, and Brenton v. Walley. 1 p.
1424. xxv. Deposition of J. Meinziez. When Col. Dudley published his Commission to command the Militia of Rhode Island during the war and his Commission of Vice-Admiralty [see C.S.P. 1702. No. 935], the Governor next day desired Meinziez to go to Col. Dudley and get copies thereof, which he did, and carried them to the Governor, who then refused them, whereupon, by order of Col. Dudley, Meinziez delivered them to the Governor and Magistrates of the said Colony in their publick Court which they refused to receive, but ordered the Sheriff to take them up, which he did. 1 p.
1424. xxvi. Deposition of Paul Dudley, H.M. Attorney General for the Massachusetts Bay and Advocate of the Court of Admiralty. Governor Cranston, on June 5, in reply to Nath. Byfield, Judge of the Court of Admiralty, complaining of his granting a commission to Capt. Halsey, a privateer, after the receipt of H.M. commands to the contrary, replied that the General Court were all of opinion that H.M. commands did not restrain him from granting concessions for privateers, and that their Charter granting them power of Vice-Admiralty, he was determined to exercise it, and grant such Commissions, until their Charter was actually and wholly taken away; and that they would not part with their powers or Government by piecemeal, but would die all at once, and that they had parted with too many of their

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- privileges already. *Signed*, Paul Dudley. Aug. 15, 1705. $\frac{3}{4}$ p.
1424. xxvii. Deposition of Capt. Eldredg [Eldridge] of Stonington. After Gov. Dudley had published his Commission [see above, No. xxv and C.S.P. 1702, No. 935], deponent, in obedience to his orders, had in readiness 120 men next day to be reviewed by H.E. But in the interim the Governor of the Colony came over with some of the Council, and then not only showed his displeasure against deponent by using threatening words against him for his readiness to obey H.E. commands, and ever thereafter untill he was forced to live [*leave*] the Colony and cary away his whole family. *Signed*, Danll. Eldredg. Stonnington, Aug. 24, 1705. 1 p.
1424. xxviii. Deposition of J. Meinzies. The Government of Rhode Island have refused to submit to H.M. and H.R.H. Commissions of Vice-Admiralty and for commanding their Militia, except that at some times they allowed of and submitted to a Judge of the Admiralty for condemnation of prize ships only. 1 p.
1424. xxix. Copy of Governor Easton's Commission to Nathl. Coddington to command a company at Newport, June 26, 1694. *Signed*, John Easton. 1 p.
1424. xxx. Minutes of Assembly of Rhode Island, June 19, 1705. The Governor has power to grant commissions to privateers, etc. $1\frac{1}{4}$ pp.
1424. xxxi. Copy of Governor Cranston's Commission to Capt. Halsey to command the *Charles* privateer. *Signed*. Samll. Cranston. Nov. 7, 1704. $1\frac{1}{2}$ pp.
1424. xxxii. Act of Assembly of Rhode Island, June 19, 1705. Only soldiers in train-bands who are freemen of their respective towns or freemen of the Colony shall have a vote for the election of their officers, etc. 1 p.
1424. xxxiii. Deposition of J. Meinzies as to Major Martindale's action. See C.S.P. 1702. No. 935.
1424. xxxiv. Memorial by Governor Dudley as to the action of Rhode Island in regard to his Commission of Militia [see C.S.P. 1702. Nos. 935, 966], and the case of Lawrence and Blew [see C.S.P. 1703. No. 673]. *Signed*, J. Dudley. Boston, Oct. 29, 1702. $1\frac{1}{4}$ pp.
1424. xxxv. Deposition of Members of Council of the Massachusetts Bay that when Governor Dudley published his Commissions of Militia and Vice-Admiralty before the Governor and Council of Rhode Island, he was sworn, though not without opposition, Mr. Walter Clarke, Dep. Governor, publicly expressing himself that they were insnared and injured, etc. (see C.S.P. 1702, No. 966). *Confirm preceding*. *Signed*, John Hathorne, John Walley, Penn Townsend. $\frac{3}{4}$ p.
1424. xxxvi. Deposition of James Meinzies, that the Quakers by their interest in the Government of Rhode Island will

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not admit of any persons of estate or ability into any places of publick trust. 1 p.

1424. xxxvii. Deposition of N. Coddington. Newport, July 31, 1705. The way of making freemen in Rhode Island. Any person born in the Colony in any town, at the age of 21, if his real estate be worth 20*l.* or 30*l.* a year, or more or less, is not admitted to have any voat in their town meetings without he petitions to be admitted a freeman, and if by the major vote in the town-meeting he be admitted, then record is made thereof, then he may have a voat on that town concerns. The names of such freemen is once a year returned to the Assembly, and if they see cause then they are admitted freemen of the Colony and may vote for general officers. Often such are made freemen of the towns and Colony that hath no vissable estate, being only to make partys to voat on combinations for choice of town and publick officers as will suit their interest, and of late they have combined together to take away the rights and propertys of several persons' lands in several towns and from such that have had and made the natives purchas right, and this contrivance have been by some of they freemen so made; and such as gave great sums for said lands and have settled part of them for 40 years, there have been partys made to take away such persons' lands, although they acters [?] they can give no account they have on any pretence of clame to any right of the soyl by buying with them as bought it of the natives, or gift, or any other way, only they will cry out, Wee are freemen of the Colony. *Signed*, Nathill. Coddington, Assist. 1 p.
1424. xxxviii. Deposition of James Meinzies as to the case of Lawrence and Blew (*see* C.S.P. 1703. No. 673). 1 p.
1424. xxxix. Deposition of part-owners of the privateers *Charles*, and *Hannah* and *Mary*, commanded by Capt. Peter Lawrance and Capt. John Blew. *Confirm preceding. Signed*, Cha. Chambers, Saml. Phillips. Boston, Oct. 31, 1705. 2½ pp.
1424. xl. Deposition of J. Colman. Boston, Aug. 10, 1705. *Confirms preceding. Signed*, John Colman. 1 p.
1424. xli. Governor and Company of Rhode Island to Governor Dudley. Newport, Dec. 28, 1704. Concerning the Quota.
1424. xlii. *Duplicate of* Governor Cranston to Governor Dudley. Feb. 28 [1705].
1424. xliii. *Duplicate of* Governor Dudley to Governor Cranston, March 8, 1705.
1424. xliv. Certificate by Governor Dudley that the affidavits to prove the charges against Connecticut are made by persons of repute and veracity, *etc.* *Signed*, J. Dudley. Boston, Nov. 9, 1705. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 1705. ¾ p.

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1424. xlv. Governor Winthrop to Governor Dudley. New London. Acknowledges receipt of charges against Connecticut. Aug. *Signed, J. Winthrop. Holograph. 1 p.*
1424. xlv. Report of Commissioners for assistance in the war to Governor Dudley. Boston, Dec. 28, 1704. We met the Governor and Council of Road Island, Dec. 11, who, after we had delivered H.M. commands to them, declared they had not above 1,200 men in that Colony, and urged the necessity of keeping them at home, and mentioned Block Island as a place in danger. We had much discourse as to the distress of H.M. subjects in the Massachusetts Baye in this time of war, and that without the assistance of the neighbouring Governments, we should not be able to secure the Province. Upon which they declared that a just list ought to be taken on both sides and according to their numbers and estates they did think they ought to bare a just proportion, but could not consent to anything without the advice and determination of the Generall Court, which they promised to call for the 27th and give an acct. to your Exceelleney. We waited on the Governor and Council of Conecticoate at New London, Dec. 15, and delivered H.M. commands. Next day the Governor appointed Capt. Gold, Mr. Pittkin, Major Whiteing and Mr. Elliott to treat with us. They told us that in Sir William Phips' time there was an adjustment made between the two Governments, when the Massachusetts were allowed to have 15,000 men and Conecticoate 3,000. We shewed forth our numbers, amounting to but 7,750 men; they alledged that they had but 3,200; they would not allow that they ought to bare a just proportion according to numbers, for that the opposing the enemy is more our immediate interest then theirs, though we heard no argument to make that out. We told them that ye subsisting must be performed by them for the men they send out, to which they were very aversed; we then tould them for a present supply, there being an acct. of 800 men comeing over the lake, if they would send 200 men to West Hampshire and subsist them, or 300 to be subsisted by the Massachusetts, and have 2 or 300 ready to march upon notice of that County being attacked, or approach of the enemy, that might be sufficeint at this time. Then we had discourse about your Excellency giving all orders to the officers during their continuance within these Governments, to which their answer was that they had ye last year, and should for the future give orders to their officers to follow the direction of the Cheife Millitary Officer upon ye place and that he preside in all their Councils, but to commissionate and call home did of right belong to them; and after much time spent in debate, they said

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the utmost they could doe was to send 150 men to West Hampshire, but they could not subsist them. We tould them we had possitive orders not to consent to ye subsisting of their men, and that there must be a greater number of men to secure that country, which is the barrier between them and the enemie. After another day spent in discourse, they tould us they had determined to raise 200 soldiers and send them to West Hampshire with all speed, and would give orders that the soldiers belonging to the Towns next unto West Hampshire should march to their assistance upon news of the approach of an enemie, but all men they should send must be subsisted by the Government of the Massachusetts Bay. We acquainted the Governor and Council that there was great waste made of the ammunition by the souldiers they had sent out, and that it was most reasonable they should be supplied by them, which they consented to. *Signed*, Nathal. Byfield, Jams. Converse, Samuel Lynde. 2 pp.

1424. xlvii. Deposition of Nicholas Hallam, of New London. He was present in a Court of Assistant, Hartford, Connecticut, May, 1700, when, in a cause concerning the *Liveen*, Major Edward Palmes and John Hallam v. John Winthrop, Rd. Christophers, and Samuel Fosdicke, the jury found for defts. Deponent heard two of the jury, Capt. Aaron Cooke, foreman, and Lt. Hallestar, say that if they could have had the liberty of the Laws of England, they must have brought in their verdict for Palmes and Hallam, but being sworn to the Laws of this Colony, and there being no laws of sd. Colony to allow that one Executor could act without all, they brought in their verdict for defts. He asked them to give that under their hands; they answered, if they should do so, they should be looked upon to be disaffected with the Governmt. for they saw it plainly that any person that gives any thing under their hand concerning any thing touching the Governmt. was looked upon to be enemys to said Governmt. *Signed*, Nicholas Hallam. Boston, Nov. 9, 1705. $\frac{3}{4}$ p.
1424. xlviii. Deposition of Major James Fitch, of Hainfield, Connecticut, and Capt. Samuel Mason, New London, that they heard Major Edward Palmes and Nicholas Hallum, upon being cast *as in preceding*, demand an appeal for England, but they were denyed, Governor Winthrop saying, I (or we) will grant no appeals for England, but I will dispute it with the King, for if we should allow appeals, I will not give a farthing for our Charter. Sworn before Governor Cranston, July 10, 1703. A true copy, G. Sylvester. 1 p.
1424. xlix. Deposition of Giles Sylvester that on Aug. 25, 1705, at the house of Joseph Saxton, of Stonington, Robert Lord said that if he had appeared before

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H.M. special Court determining the Owaneco affair, he could show such papers as would defend him in his possession of his land, but the Governmt. had forbidden him to appear. Deponent replied, then he respected the Governmt. of Conecticut above ye Queen's Majesty's Commission. Lord made answer that he was a freeman of Conecticut Colony, and by ye oath of his freedom he was obliged to observe ye orders of ye Governmt., which if he should doe otherwise, he should be guilty of ye breach of his oath, and consequentially, as he was informed, be out of ye protection of ye said Governmt. *Signed*, G. Sylvester. Aug. 27, 1705. 1 p.

1424. i. Deposition of Nicholas Hallam. Boston, Nov. 7, 1705. At a County Court action, New London, 1705, Oliver Manwening, administrator of the estate of Saml. Raymond, New London, v. Capt. Thomas Avery, the defendant pleaded the law of England in bar of the action. The Court denied him the benefit of the Laws of England, etc. *Signed*, N. Hallam. 1 p.
1424. ii. Deposition of Col. Partridge, Boston, Oct. 29, 1705. Appointed by Governor Dudley to make applications to Governor Winthrop for a supply of men to be posted in the frontier towns, I did so from tyme to tyme, especially when we expected an assault by the enemy upon some of sd. towns, and from Feb. to Oct. 1705, I could obtaine no reliefe. *Signed*, Samll. Partridge. 1 p.
1424. lii. Copy of Order of the Assembly of Connecticut, Newhaven, Oct. 11, 1705. Appointing a Committee (the Governor, with Capt. Nathan Gold, Peter Burr, Rev. Timothy Woodbridge, Rev. Mr. Pierpoint, Capt. Cyprian Niccolls, Capt. Abraham Fowler, and the Secretary, Eleazar Kimberley), to inquire into the supposed wrongs of Owaneco, etc. *Endorsed*, Since H.M. Commissioners sitting; Owanceo refused attendance. 1 p.
1424. liii. Warrant to Owaneco to attend above Committee. New London, Oct. 29, 1705. *Signed*, Eleazar Kimberly. *Endorsed*, To which he answered he had been heard by H.M. Commissioners, who he was sure would do him right, and he had nothing with their Governmt. *Signed*, J. Dudley. *Copy*. 1 p.
1424. liv. Copy of the complaint of some inhabitants of New London to the General Assembly against the Minister, Mr. Saltonstall, and his maintenance, etc. May 9, 1700. *Signed*, Edward Palmes and 70 others. 4 pp.
1424. lv. N. Coddington to Governor Dudley. Newport, Nov. 9, 1705. *Recapitulates* the difference about the Narraganset Country. H.M. Commissioners have been abominably abused. Everything is in confusion there. Some persons here have been put under bonds for petitioning H.M. and others fined and thrown into gaol for only asserting their rights to land in the Colony, others

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apprehended and threatened the gaol onely for desiring that their deeds of claim of native right might be seen into, and prohibitions set up forbidding several persons to assert their right to those lands as these vagrant persons are settled on ; and if any petition to H.M. in Council for relief, they are threatened to have their estates taken away, as hath been before, and now on such a petition within this two months, so that the mouths of everyone must be stoped, *etc.* *Signed*, Nathl. Coddington. *Endorsed*, Recd. Dec. 31, 1705. *Addressed*. 3½ pp. [*C.O.* 5, 1263. Nos. 57, 57.i-iv.]

[Nov. 2.] **1425.** Copy of Charter of Philadelphia, 1701. [*See C.S.P.*, 1702. No. 782, and 1702-3. No. 15.i.] *Endorsed*, Recd. 2nd, Read Nov. 7, 1705. 8 pp. [*C.O.* 5, 1263. No. 37.]

Nov. 2.
Treasury
Chambers.

1426. Mr. Lowndes to Mr. Popple. My Lord Treasurer transmits enclosed to be laid before the Council of Trade and Plantations. *Signed*, W. Lowndes. *Endorsed*, Recd. 3rd, Read Nov. 8th, 1705. ½ p. *Enclosed*,

1426. i. Mr. Secretary Hedges to the Lord High Treasurer. Whitehall, Oct. 27, 1705. *Encloses following*. *Signed*, C. Hedges. 1 p.

1426. ii. Extract of Letter from Governor Seymour to Sir C. Hedges, July 3, 1705 (*q.v.*), relating to want of arms, Attorney General's salary, *etc.* 4 pp.

1426. iii. Governor Seymour's Scheme for preventing abuses in the Plantation Trade. All tobacco to be brought to 5 ports only in the province by April 20 yearly. [*See July 3.*] Maryland, June 26, 1705. *Endorsed*, Oct. 31, 1705. 6½ pp. [*C.O.* 5, 715. Nos. 91, 91.i-iii.; and (*without enclosures*) 5, 726. p. 322.]

[Nov. 2.] **1427.** R. Lillington to the Council of Trade and Plantations. By reason of several defects, misresittals and imperfections, the Order of Council, Oct. 26, is ineffectual, and is not drawn up by the Clerk of the Counsell agreeable with your Lordships' report or H.M. directions thereupon. *Prays* for a copy of said report. *Signed*, Roger Lillington, on behalf of George Lillington. *Endorsed*, Recd. Read Nov. 2, 1705. ¾ p. [*C.O.* 28, 9. No. 19.A.]

Nov. 2.
Whitehall.

1428. Mr. Secretary Hedges to Lt. Governor Bennet. H.M. has been pleased to remit the fine sett upon Lt. Henley. You are to assist him and his family in their return home and allow him his pay to July 1st last. *Signed*, C. Hedges. [*C.O.* 324, 30. pp. 46, 47.]

[Nov. 2.] **1429.** Copy of the Charter of Priviledges to the People of Pennsylvania granted by William Penn, Oct. 28, 1701. [*See C.S.P.*, 1702. No. 782.] William Penn, Proprietary and Governour of the Province of Pennsylvania and Territories

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thereunto belonging to all to whom these presents shall come sendeth Greeting.

Whereas King Charles II by his Letters Patents under the Great Seal of England bearing date March 4, 1680, was graciously pleased to give and grant unto mee, my heirs and assigns forever, this Province of Pennsylvania with divers great powers and jurisdictions for the well governing thereof, And Whereas the King's Dearest Brother, James Duke of York and Albany *etc.*, by his Deeds of Feeofment under his hand and seal duly perfected bearing date Aug. 24, 1682, did grant unto mee, my heirs and assigns, all that Tract of Land now called the Territories of Pensilvania, together with powers and jurisdictions for the good Government thereof, And Whereas for the encouragement of all the Freemen and Planters that might be concern'd in the said Province and Territories and for the good Government thereof, I the said William Penn in 1683, for mee, my heirs and assigns did grant and confirm unto all the Freemen, Planters and Adventurers therein divers Liberties, Franchises and Properties as by the said Grant, entituled the *Frame of the Government of the Province of Pensilvania and Territories thereunto belonging in America*, may appear, which Charter or Frame being found in some parts of it not so suitable to the present circumstances of the Inhabitants was in the third month in the year 1700 delivered up to mee by six parts of seven of the freemen of this Province and Territories in Generall Assembly mett, provision being made in the said Charter for that end and purpose, and Whereas I was then pleased to promise that I would restore the said Charter to them again with necessary alterations or in lieu thereof give them another better adapted to answer the present circumstances and conditions of the said Inhabitants, which they have now by their Representatives in General Assembly mett at Philadelphia requested mee to grant, Know yee therefore that for the further well-being and good Government of the said Province and Territories, and in pursuance of the rights and powers before-mentioned, I the said William Penn doe declare grant and confirm unto all the freemen, planters and adventurers [mett at Philadelphia requested mee to grant, Know yee therefore that for the further well-being and good Government of the said Province and Territories, and in pursuance of the rights and powers before-mentioned, I the said William Penn doe declare, grant and confirm unto all the freemen, planters and adventurers] and other inhabitants in this Province and Territories these following Liberties, Franchises and Priviledges so farr as in mee lyeth, to be held, enjoyed and kept by *them* forever. First, because no people can be truly happy though under the greatest enjoyments of civil Liberties if abridged of the freedom of their consciences as to their religious profession and worshipp, and Almighty God being the only Lord of Conscience, Father of Lights and Spirits and the Author as well as object of all divine knowledge, faith and worshipp, who only can enlighten the mind and perswade and convince the understandings of people, I do hereby grant and declare that no person or persons inhabiting

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in this province or Terrs. who shall confesse and acknowledge one Almighty God the Creator, Upholder and Ruler of the World, and professe him or themselves obliged to live quietly under the Civil Government shall be in any case molested and prejudiced in his or their person or estate because of his or their conscientious perswasion or practice, nor be compelled to frequent or maintain any religious worshipping, place or ministry contrary to his or their mind, or to doe or suffer any other Act or Thing contrary to their religious perswasion, And that all persons who also professe to believe in Jesus Christ the Saviour of the world shall be capable (notwithstanding their other perswasions and practises in point of conscience and Religion) to serve this Government in any capacity both legislatively and executively, he or they solemnly promising when lawfully required allegiance to the King and Sovereign and fidelity to the proprietary and Governour auld [? and] takeing the attests as now established by the Law made at Newcastle, 1700.

Secondly, for the well governing of this Province and Territories, there shall be an Assembly yearly chosen by the Freemen thereof to consist of four persons out of each county of most note for virtue, wisdom and ability (or of a greater number at any time as the Governour and Assembly shall agree, upon the first day of October forever, and shall sitt on the 14th day of the said month in Philadelphia, unless the Governour and Council for the time being shall see cause to appoint another place within the said Province or Territories, which Assembly shall have power to choose a Speaker and other their Officers, and shall be judges of the qualifications and elections of their own members, sitt upon their own adjournments, appoint Committees, prepare Bills in order to pass into Laws, impeach criminals and redress grievances, and shall have all other powers and privileges of an Assembly, according to the rights of the freeborn subjects of England, and as is usual in any of the King's Plantations in America, And if any County or Counties shall refuse or neglect to choose their respective Representatives as aforesaid, or if chosen doe not meet to serve in Assembly, those who are so chosen and mett shall have the full power of an Assembly in as ample manner as if all the Representatives had been chosen and met, provided they are not less then two thirds of the whole number that ought to meet, And that the qualifications of Electors and Elected and all other matters and things relateing to Elections of Representatives to serve in Assemblies, tho' not therein particularly expressed, shall be and remain as by a Law of this Government made at Newcastle, 1700, entituled an Act to ascertain the number of Members of Assembly and to regulate Elections. *Thirdly*, that the Freemen in each respective County at the time and place of meeting for electing their Representatives to serve an Assembly may as often as there shall be occasion choose a double number of persons to present to the Governour for Sheriffs and Coroners to serve for three years, if they so long behave themselves well, out of which respective elections and presentments the Governour shall nominate and commissionate

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one for each of the said offers [?] offices] the third day after such presentment, or else the first named in such presentment for each office as aforesaid shall stand and serve in that office for the time before respectively limited, and in case of death and default such vacancies shall be supplied by the Governour to serve to the end of the said terme, Provided allways that if the said Freemen shall at any time neglect or decline to choose a person or persons for either or both ye aforesaid Offices, then and in such case the persons that are or shall be in the respective offices of Sheriffs or Coroner at the time of election, shall remain therein untill they shall be removed by another Election as aforesaid, And that the Justices of the respective Counties shall or may nominate and present to the Governour three persons to serve for Clerke of the Peace for the said County when there is a vacancy, one of which the Governour shall commissionate within ten days after such presentment, or else the first nominated shall serve in the said office dureing good behaviour. *Fourthly*, that the Laws of this Government shall be in this stile, viz. [By the Governour with the consent and approbation of the Freemen in General Assembly mett] and shall be after confirmation by the Governour forthwith recorded in the Rolls Office, and kept at Philadelphia unless the Governour and Assembly shall agree to appoint another place. *Fifthly*, that all criminals shall have ye same privileges of witnesses and Council as their prosecutors. *Sixthly*, that no person or persons shall or may at any time hereafter be obliged to answer any complaint, matter or thing whatsoever relating to property before the Governour and Council, or in any other place but in the ordinary Courts of Justice, unless appeals thereunto shall be hereafter by Law appointed. *Seventhly*, That no person within this Government shall be licensed by the Governour to keep Ordinary, Tavern, or house of public Entertainment but such who are first recommended to him under the hands of the Justices of the respective Counties signed in open Court, which Justices are and shall be hereby impoured to suppress and forbid any person keeping such publick house as aforesaid upon their misbehaviour on such penalties as the Law doth or shall direct, and to recommend others from time to time as they shall see occasion. *Eighthly*, If any person through Temptation or melancholly shall destroy himself, his estate reall and personal shall notwithstanding descend to his wife and childred or relations as if he had dyed a natural death, and if any person shall be destroyed or killd by casualty or accident, there shall be no forfeiture to the Governour by reason thereof, And no act, law or ordinance whatsoever shall at any time hereafter be made[r] or done to alter, change or diminish the form or effect of this Charter or of any part or clause therein contrary to the true intent and meaning thereof, without the consent of the Governour for the time being and six parts of seven of the Assembly mett. Butt because the happiness of mankind depends so much upon enjoying of liberty of their consciencies as aforesaid, I do hereby solemnly declare, promise and grant for mee, my heirs and

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assigns, that the first Article of this Charter relating to liberty of conscience and every part and clause therein according to the true intent and meaning thereof shall be kept and remain without any alteration inviolably forever. And lastly I the said William Penn, Proprietary and Governour of the Province of Pensilvania and Territories thereunto belonging for myself, my Heirs and Assigns, have solemnly declared and granted and confirmed and doe hereby solemnly declare, grant and confirm that neither I my Heirs or Assigns, shall procure or doe any thing or things whereby the Liberties in this Charter contained and expressed nor any part thereof shall be infringed or broken, and if anything shall be procured or done by any person or persons contrary to these presents, it shall be held of no force or effect, In Witness whereof I the said William Penn at Philadelphia in Pensilvania have unto this present Charter of Liberties sett my hand and broad seal this 28th day of October in the year of our Lord 1701, etc. And notwithstanding the Closure and Test of this present Charter as aforesaid, I think fitt to add this following provisoe thereunto as part of the same, That is to say that Notwithstanding any Clause or Clauses in ye above-mentioned Charter obliging the Province and Territories to joyne together in Legislation I am content and doe hereby declare that if the Representatives of the Province and Territories shall not hereafter agree to joyne together in Legislation, and that the same shall be signified to mee or any [*my*] Deputy in open Assembly or otherwise from under the hands and seals of the Representatives (for ye time being) of the Province or Territories, or the major part of either of them any time within 3 years from the date hereof, that in such case the inhabitants of each of the Three Counties of this Province shall have not less then 8 persons to represent them in Assembly for the Province and the inhabitants of the Town of Philadelphia (when the said Town is incorporated) two persons to represent them in Assembly, and the inhabitants of each County in the Territories shall have as many persons to represent them in a distinct Assembly for the Territories as shall be requested by them as aforesaid, Notwithstanding which separation of the Province and Territories in respect of Legislation, I doe hereby promise, grant and declare that the Inhabitants of both Province and Territories shall separately enjoy all other Liberties and Priviledges and Benefits granted joyntly to them in this Charter, any Law, Usage or Custome of this Government heretofore made and practised, or any Law made and passed by this Generall Assembly to the contrary hereof notwithstanding. *Signed*, William Penn. Edwd. Shippen, Phineas Pemberton, Saml. Carpenter, Griffith Owen, Caleb Pusey, Thomas Story, Proprietary's and Governor's Councill. *Subscribed*, This Charter of Priviledges being distinctly read in Assembly, and the whole and every part thereof being approved of and agreed to by us, wee do thankfully receive ye same from our Proprietary and Governour at Philadelphia, Oct. 28, 1701. *Signed*, in behalf and by order of ye Assembly, Jos. Growden, Speaker. A true copy, James Logan, etc. *Endorsed*,

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Reed. 2nd, Read Nov. 7th, 1705. 4 large pp. [C.O. 5, 1263. No. 38.]

Nov. 3.
Whitehall.

1430. Mr. Secretary Hedges to the Council of Trade and Plantations. *In reply to letter of Oct. 29 concerning Mr. Dummer's advertisement and the Spaniards.* I desire you would let me know whether you can think of any method for doing it privately. *Signed, C. Hedges. Endorsed, Reed.* Read Nov. 7, 1705. 1 p. [C.O. 323, 5. No. 90; and 324, 9. p. 114.]

Nov. 3.
Boston.

1431. Governor Dudley to the Council of Trade and Plantations. The enclosed are cypys of the accompts sent to my Lord Godolphin of the gold *etc.* taken from Capt. Quelch *etc.* [See Nov. 1, *etc.*] *Signed, J. Dudley. Endorsed, Reed.* Dec. 31, 1705. Read Jan. 23, 170 $\frac{5}{8}$. $\frac{1}{2}$ p. *Enclosed,*

1431. i. Copies of accounts referred to in preceding. *The whole endorsed, Reed.* Dec. 31, 1705. 4 pp. [C.O. 5, 863. Nos. 145, 145.i-iv.]

Nov. 3.
Boston.

1432. Governor Dudley to the Council of Trade and Plantations. *Enclosing following.* *Signed, J. Dudley. Endorsed, Reed.* Dec. 31, 1705. Read Feb. 28, 170 $\frac{5}{8}$. *Addressed. Sealed.* $\frac{1}{2}$ p. *Enclosed,*

1432. i. Proposal of the Representatives and Freeholders of New Hampshire to Samuel Allen. Portsmouth, May 3, 1705. They make no claim to any part of this Province extra ye bounds of ye four towns of Portsmouth, Hampton, Dover and Exeter, with ye hamlets of Newcastle and Kingstown appertaining, which are all comprehended by a line of ye western part of Dover, Exeter and Kingstown, already layd out, and to be forthwith revised. Allen, his heirs *etc.* may peaceably enjoy the great waste, 40 \times 20 miles or thereabouts at ye heads of ye towns aforesaid. So far from giving interruption to the settlement thereof, the inhabitants of this Province desire by all means that ye sd. waste be planted *etc.*, and will give all encouragement. If Allen quit all claim *etc.* to the land within the towns aforesaid, and this agreement be confirmed by H.M., we agree to lot and lay out unto him and his heirs 500 acres out of the townships of Portsmouth and Newcastle, 1500 out of the township of Dover, 1500 out of the townships of Hampton and Kingstown, and 1500 out of the township of Exeter. Also to pay to him, his heirs *etc.*, 2,000*l.* currt. money of New England, *i.e.* 1,000*l.* within 12 months, and the other 1,000*l.* within 12 months after the first payment. And further, that all contracts between Mr. Mason or Allen with any the inhabitants or other H.M. subjects, which are *bona fide* for land or other priviledges in the possession of the tenants in their own just right, besides the claim of Mr. Mason or Mr. Allen, and no other shall be

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accounted valid *etc.*, *etc.* If Mr. Allen agree, *pray* the Governor to lay these articles before H.M. *etc.* *Signed*, John Pi[c]kerin, Saml. Keais, Sam. Levett, Saml. Thing, Thos. Rhobie, Nathl. Hill, Wm. Cotton, Wm. Wallis, Wm. Furber, Wm. Seavy, Gershom Elkins, Saml. Shaw, Wm. Partridge, Richard Waldron, Thos. Phipps, Jno. Tuttle, Kinsley Hall, Theophilus Dudley, John Stanyan, Theodore Atkison, Saml. Dow, John Brackill, Thomas Philbrick, Jona. Sacbun. *Endorsed*, Recd. Dec. 31, 1705. 2 $\frac{3}{4}$ pp.

1432. ii. Account of Ordnance and Stores of War at Boston, Salem, Marblehead and Newcastle. March—Sept., 1705. *Endorsed as preceding*. 12 $\frac{1}{4}$ pp. [*C.O.* 5, 864. *Nos.* 96–110; and (*without enclosures*) 5, 912. pp. 263, 264.]

Nov. 3.
St. Xphers.

1433. Lt. Governor Johnson to the Council of Trade and Plantations. *In reply to letter of Aug. 30 (q.v.)*. We never proceed by any laws that are not confirmed, except such as lye before H.M. for the royall assent, copies of which I shall send your Lordships per next, with the laws of all the Islands. As to the list of those Acts your Lordships sent me, my indisposition of being seized with a violent malignant feaver (in going to visitt two Leeward Islands, Anguilla and Spanish Town, the first having 100 men and the other 61, to see what condition they were in), which lasted me 23 days without intermitting, oblidg'd me to stay at St. Christopher's, being uncapable to goe to Nevis, where all my papers are, which makes me unable to give your Lordships soe perticular an account. I bclieve, though am not very certain that in 94 and 95 there was a General Councill and Assembly held att Antigua, and those laws made there then are laws for the Islands in generall, and the custome is att ye breaking up of such Generall Assemblys the Representatives of each Island carry all such Acts as are there made to their respective Islands, there to be recorded, which is all the explanation I can give your Lordships att present, and when your Lordpps. receive the laws from the other Islands, your Lordships will find the same laws in every of the Islands. Per next shall write more fully upon this and other matters, and as soon as I am a little better recovered from my indisposition shall visit all the Islands and see everything done in pursuance to your Lordships' Instructions in collecting the laws. *Signed*, Jon. Johnson. *Endorsed*, Recd. Jan. 10, Read April 8, 1706. 2 pp. [*C.O.* 152, 6. *No.* 39; and 153, 9. pp. 322–324.]

Nov. 3.
St.
Christophers.

1434. Lt. Governor Johnson to Sir C. Hedges. *Acknowledges* letter of Feb. 22 and July 12. H.M. Order never came to my hands till now, having been to visit Anguilla and Spanish Town *etc.* *Repeats parts of preceding*. Will send accounts of stores and Admiralty tenths *etc.* What your Honours writes concerning Governor Yeamans, I am afraid his character was not presented as he deserves; for he is a man of a loyall and just

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principall, of a solid judgment and of integrity to H.M., who always bore a just and good character, one of a plentiful estate and well educated ; 3 or 4 year agoe he had leave to goe home where he had the honour of kissing the Queen's hand and was recommended to H.M. by severall worthy gentlemen, and should I goe to look for a man in all the Islands to succeed him, could not find a man soe fitting. But [that] Sir W. Mathew brought some friends with him wch. he was resolved to preffer that in a little time wee should have all had the same character Governor Yeamans had. *Signed*, Jon. Johnson. *Endorsed*, R. Jan. 10. 3 pp. [C.O. 239, 1. No. 8.]

Nov. 3.
Boston.

1435. Governor Dudley to Mr. Popple. *Refers to letters of Nov. 1 and 3 and enclosures.* You will please to lay before their Lordships the Address of the Assembly *etc.*, that they be not surprised with it *etc.* *Signed*, J. Dudley. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 170⁵. *Holograph*. 1½ pp. *Enclosed*,

1435. i. Governor Dudley's Address to the Assembly of the Massachusetts Bay. [Sept., 1705.] When I parted from you last I had no intention to have seen you upon this prorogation, but to have left the ordinary affairs of the Government to the usual time of your setting nearer the winter, but upon the receipt of H.M. gracious Letters, which I have now to lay before you, I judge the present Session absolutely necessary. H.M. commands are not new, but such as I brought with me at my arrivall. *Refers* to former proceedings as to rebuilding Pemaquid, assisting the fortification at Piscataqua River and settling salaries. *Repeats* H.M. letter of Jan. 25. After all the royal favours and protection we have had from H.M., these are the only commands that have bin given us, and our neglect and disobedience therein will be attended with very just resentments. I very well know that it may be easily objected that the Province is at great charge in the present warr, but I must as well remember you that these commands were given us in peace before the troubles began, when there was no such objection to be offered, and our just obedience to H.M. is the nearest method that I know of to procure the favour of Almighty God to restore us peace and put us into a capacity to obey H.M. commands in greater things than these. I desire and direct that in this Session you proceed to the consideration of H.M. letter, and I shall meet the Assembly in another Session in the usual season about a month hence, to which all affairs depending shall be referred. And this Assembly will give me their answer, and I hope remember to Address H.M. with their humble thanks for the great encouragement given to the importation of Navall Stores by the Acts of Parliament, and H.M. royal bounty

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in the cannon bestowed upon us, in all which I shall be glad to assist *etc.* *Endorsed*, Recd. Dec. 31, 1705. $1\frac{1}{2}$ pp.

1435. ii. Reply of the Representatives of the Massachusetts Bay to Governor Dudley. Sept. 11, 1705. (1) As to the building of a fort at Pemaquid, we are humbly of opinion that H.M. hath received misrepresentations concerning the necessity and usefulness of a Fort there. *Recapitulate* Address to H.M. March 27, 1703. (*Cf. C.S.P.*, 1703. No. 1266.) We did therefore at our Session in February last joine with the Council in making our humble Address to H.M. upon the affair aforesaid, which we hope some time since hath arrived to H.M. favourable acceptance. In which was inserted the insupportable charge of the war, which has cost us not less than 80,000*l.*, the greatest part whereof is still unpaid. We would now further suggest that ye Fortification at Casco-Bay, which in the first intention of it was designed only as a cover to a small Traiding House erected there at the request of the Eastern Indians, is now very much enlarged, demanding a great expence for the support thereof, and is seated near the extents of the former settlements and plantations of the English within this Province, and considerably beyond any of the present English dwellings. Which reasons we humbly hope will render us excusable for not building a Fort at Pemaquid. (2) As to contributing to the charge of Piscataqua Fort, the Fort in that Province has been built several years past, when it was not desired or thought necessary that this Province should assist them therein. The late reform and reparations made of the same stands that whole Province about the sum of 500*l.*, which doth not amount to the quota of several particular towns within this Province towards the charge of the war within the compass of one year. And all the navigation and trade of this Province coming down Piscataqua River have been charged with a considerable duty towards the support of that Fort. And this Province hath always afforded such guards as were needful for their haling of masts, timber *etc.* for H.M. service, whilst the principal benefit of that trade has accrued to that Province, and they have never contributed anything to the charge of our forces, forts and garrisons or guards by sea, that are as great a safety and defence to them as to ourselves. But the public charge of that Government has been much less proportionably than the charge of this. Which beeing considered, we hope no assistance will be expected from us, towards the charge of the said Fort. (3) The circumstances of this Province as to our ability to support the Government are at times so different that we fear the settling of fixed salaries will be of no service

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to H.M. interests, but may prove prejudicial to H.M. good subjects here, *etc.*, as *C.S.P.*, 1703. *p.* 813.

Upon the foregoing heads we propose to address H.M., and with our humble thanks for her royal bounty, wherein we hope the Council will joine with us, and that your Excellency's favourable influence will not be wanting thereto. *Signed*, Thomas Oakes, Speaker. *Endorsed*, Recd. Dec. 31, 1705. *Copy.* 2½ *pp.*

1435. iii. Address of the Council and Representatives of the Massachusetts Bay to the Queen. *Return* hearty thanks for the gift of 20 cannon, "and for the good assistance your Majesty has been pleased to afford us in sending the *Deptford* frigatt in our time of need, when our coast has been infested with French privateers." *Offer reasons as in preceding* for not building a fort at Pemaquid, contributing towards the Fort at Piscataqua River, or settling salaries. 3 *pp.* [*C.O.* 5, 863. Nos. 146, 146.i-iii.; and (*without enclosures*) 5, 912. *pp.* 96-99.]

- Nov. 6. **1436.** Mr. Addington to Mr. Popple. Encloses Minutes of
Boston. Council, Journals of Assembly, and Laws of the Massachusetts Bay, 1701-1705, *etc.* The piratical gold upon Quelch's condemnation is shipped on board H.M.S. *Guersey*, *etc.* *Signed*, Isa. Addington. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 1705. 3 *pp.* [*C.O.* 5, 864. No. 1; and 5, 912. *pp.* 99-104.]

- [Nov. 8.] **1437.** Merchants and Traders to the Queen. *Pray* that some proper person well skill'd in the making tarr, raising and curing hemp, *etc.*, may be sent over to New England and Colonys adjacent to instruct the inhabitants with a view to carrying out the intent of the Act *for the encouraging the importation of Naval Stores*, which will otherwise be utterly lost. 33 *Signatures.* *Inscribed*, H.M. refers this petition to the Council of Trade and Plantations. *Signed*, C. Hedges. Whitehall, Nov. 8, 1705. *Endorsed*, Recd. Read Nov. 9, 1705. 1 *large p.* [*C.O.* 5, 863. No. 147; and 5, 911. *pp.* 473-475.]

- Nov. 8. **1438.** Mr. Byfield's receipt from Woolwich Ropeyard for 8 barrels of South Carolina tar, *etc.*, as Oct. 24. 1½ *pp.* [*C.O.* 5, 1263. No. 49.]

- Nov. 8. **1439.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. In answer to yours of 3rd inst. Mr. Dummer may by his Agents in Jamaica or elsewhere give notice to the Spaniard of his undertaking to bring letters to and from Europe in the course of trade, as a matter of his private doing, without any public authority from hence. But we do further offer that in case of his carrying such letters to and fro, they be opened by the Governor of Jamaica, or the Governor of other Plantations. And for those going from hence, that they be first examined by order of a Secretary of State, least a criminal correspondence be

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carried on in behalf of the French, who are in great measure at present Masters of the Spanish West Indies. And that the like examination be had of ye property of all goods and bullion coming to or going from Europe in Mr. Dummer's packet boats for the use of the Spaniards, or pretended to be such. As to a further encouragement of the trade with the Spaniards, he may be referred to the directions given to the Governor of Jamaica. 2 pp. *Autograph signatures. Enclosed,*

1439. i. Copy of Lord Nottingham's letter to the Governors of Plantations. [See No. 116.i.] 1½ pp. [C.O. 5, 3. Nos. 23, 23.i.; and (without enclosure) 324, 9. pp. 114, 115.]

Nov. 9.
Whitehall.

1440. W. Popple, jr., to W. Lowndes. *In reply to letter of Nov. 2*, the Council of Trade and Plantations desire you to represent to my Lord High Treasurer that as to the settling a certain number of Ports [in Maryland] for the lading and unlading goods, they have been so sensible of the benefit it will be to H.M. Customs, that they did in May last humbly represent etc. [See April 23.] And their Lordships do hope from the answer which they are in some time expecting from Maryland, that the Assembly have complied in building of towns and warehouses and in the setting out and appointing of proper sheds, wharfs and keys: in which case the scheme proposed by Col. Seymour will be of use; and to which purpose H.M. Instructions have been sent to Coll. Seymour for Maryland, as likewise to Coll. Not for Virginia. Their Lordships conceive that in case the Assembly do not comply with H.M. directions herein, H.M. may settle Ports in Maryland by her own authority, pursuant to an Act of Parliament in that behalf. [C.O. 5, 726. pp. 334, 335.]

Nov. 9.
Whitehall.

1441. Council of Trade and Plantations to Mr. Secretary Hedges. *Reply to letter of Oct. 27.* We were preparing a report to H.M. upon a similar letter from Col. Seymour. As to the arms and ammunition, we humbly conceive the proposals made by him to be very proper, but we do likewise offer that there being already settled in Maryland a revenue of 3d. on every hhd. of tobacco exported for the providing of arms and ammunition for the use of the Province, and as Coll. Seymour writes, there being a sum in Bank there appropriated for that use, and money sent over to Coll. Blakiston (Agent for that Colony here) with orders to lay out this money for the best advantage of the Province, we hope this service is sufficiently provided for at present. We likewise think it will be very necessary that a storekeeper be settled in that Province, for the good and safe keeping of the public arms and ammunition, and that H.M. may be pleased to direct Coll. Seymour to appoint such an Officer, with a fitting maintenance out of such part of the revenue arising there as he shal judge proper. We do likewise approve of Coll. Seymour's proposal of reducing the provincial judges to such a number as he and the Council may think proper, and humbly offer, that H.M. send him suitable directions in that behalf. We have had

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a very good character of Mr. Bladen, who acts as Attorney General of Maryland, as well from Coll. Seymour as others, and are of opinion that he may deserve the sum of 100*l.* sterling proposed by Coll. Seymour, which H.M. may likewise direct to be paid him out of the revenue to be raised in that Province. As to the settling a certain number of Ports etc., *repeat preceding. Autograph signatures.* 4 pp. [C.O. 5, 721. No. 5; and 5, 726. pp. 336-338.]

Nov. 9.
Philadelphia
in Prov. of
Pensylvania.

1442. Lt. Governor Evans to the Council of Trade and Plantations. Refers to letter of Feb. 14. H.M. Proclamation for ascertaining the current rates of foreign coines, I am with the greatest concern and regrett oblig'd to acquaint your Lordps. notwithstanding all the authority can be made use off in this case by the Govmt. here has not hitherto been effectual to bring ye People to that Regulation of money therein commanded in their mutual Dealings and Bargains, wherein Trading men have alwayes been found to have taken great Liberties. And though I have pressed the entring on that meathod as early and earnestly as was possible to those of H.M. subjects that I am Honour'd and Intrusted with ye command of, yett, what with the inconvenience of formere contracts and great scarcity of money, and other difficulties to be removed, they seem'd very desirous or rather resolv'd to take measures therein from those of our neighbouring Govmts. that are not only much more considerable in trade, But nearer the influence of your Lordps.' more immediate Directions, and seeing they have not yett entred upon the practice of it, ye People here are unwilling to be the first, mistrusting in some measure their own managemt. in an affaire where the whole Continent of the Queen's Plantations in America is equally concern'd; However, ye Officers for Collecting and receiving H.M. Dutys do receive money according to the Regulation. All I have to offer to your Lordps. is to assure [*you*] that I have not been wanting in my duty and obedience herein to H.M., and beg your directions etc. I have now, in persuance of H.M. sacred commands requiring me to putt the inhabitants of this Govmt. in the best posture of Defence in this dangerous time of warr, settled as regular a Militia as (with the consent of the Representation of the People) I could induce them to be sensible of the necessity off, for ye Queen's Honour and the safety of Her subjects, obliging all those of the Lower Counties from 16 years of age to 60 to furnish themselves with arms and ammunition and to inlist in Companies under Commission'd Officers. The Quakers in those Counties being so very inconsiderable for numbers, and likewise pleading a Privilege of exemption to the Representatives of the sd. Counties from a clause of a Charter granted by the Propr. to the Province and the Territories before my arrival [*see* Nov. 2], which is that none should be molested or disturbed on account of their Religious Persuasions, for which reason and considering the very small number of those People, they inclin'd, against all arguments to the contrary, to exempt them. However, there is att this time a Militia as well appointed

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and regular as any I know off on the Main, considering the number of inhabitants and the Infancy of the Thing, it being the first that was ever seen here that deserv'd the name of one. And in the Province, where the Quakers are the Cheif Body of the People, I have likewise caus'd as many companies as possible to be rais'd of such as can bear arms, of whom there might be more, if some who screen their disaffection to ye Govmt. under the specious pretence of a more sacred name, did not too much endeavour to alienate ye minds of such as they can prevail on from joyning in obedience to H.M. commands to provide for their own security. I inclose an Adresse to me from all or most of the Traders of note in this Province, complaining of great hardships they lye under in shipping off their tobacco to the West Indies, where alone it is at present (they say) vendible, which though it more properly belongs to H.M. Commissioners of the Customs, yet as nothing can be accounted foreign to yor. Lordps. Board that relates to H.M. Plantations, so I hope you will not think it unworthy of your notice, but favourably forward an effectual redresse, which would be a very great ease to the people in general, and especially to those of the Lower Counties, who are and have alwayes been from the very beginning susteined upon the Bottom of Planting Tobacco, For the very great scarcity of money, almost incredible, making it impossible for them to pay the dutys in money, and the Collectors refusing to take them in specie according to the expresse words of the Act, where money is not to be had (which is but too exactly their case) causes so great a stagnation in that Trade, that if it be not remedied, it must shortly lay them under the greatest hardships, etc. *Signed*, John Evans. *Endorsed*, Communicated by Mr. Penn. Feb. 22, 170 $\frac{1}{2}$ [q.v.]. Read March 1, 170 $\frac{1}{2}$. 6 pp. *Enclosed*,

1442. i. Traders and Inhabitants of Pensilvania to Lt. Governor Evans. (1) The Collectors formerly took the *Id. per lb.* export duty on tobacco in currant money of the Province *plus 25 p.c.* Now that the value of a shilling etc. has been fixed by H.M., they not only insist on being paid in money, but also continue, by order of the Surveyor General, the advance of 25 p.c. (2) Tobacco, so shipped, when lost or taken by our enemies, as about $\frac{3}{4}$ ths of all the shipping we had at ye beginning of this warr is already lost that way, we are denyed the privileged of shipping the same quantity again custome free, a privilege for the reasonableness of it granted by the Act of Tonnage and Poundage, and generally practised in the neighbouring Colonies etc. *Pray* for the Governor's intercession for redress. *Signed*, John Van Laer, Robt. Turnham, Tho. Murray, James Thomas, Wm. Hall, Antho. Palmer, John Hunt, Nathl. Curtys, Tho. Norton, Wm. Poole, Nehemiah Allen, Clem. Plumstead, Tho. Masters, George Claypoole, Robt. Grace, S. Graham, Sam. Peres, Richard Hill, Benja. Godeffroy, A. Scott, Benja. Wright, Jos. Growdon, Edwd. Shippen, junr.,

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Hercules Coutt, Joseph Shippen, Edwd. Shippen, Wm. Trent, Isaac Norris, Saml. Finney, George Roch, Joseph Pidgeon, Saml. Preston, Wm. Fishburne. *Same endorsement.* 1 p. [C.O. 5, 1263. Nos. 66, 66.i.; and (without enclosure) 5, 1291. pp. 337-343.]

Nov. 10. **1443.** Lt. Governor Ingoldesby to the Council of Trade and
 Burlington in Plantations. Since my arrivall and publication of H.M. Com-
 New Jersey. missions appointing me L.G. of New York and New Jersey I
 have not been allowed by my Lord Cornbury to act, and not
 being of the Council or acquainted with the affaires of either of
 the Provinces, has been the only reason of my silence *etc.* About
 the beginning of Nov. last, his Lordship left the Province of
 New York, where I then was, and went to New Jersey. In a little
 time after a letter came from the frontiers at Albany, directed
 for H.M. Service to my Lord Cornbury, being sent from the
 Gentlemen at Albany appointed to manage the Indian affaire, to
 him; this letter having been delivered to me, and the Messenger
 that brought the same discoursing in the town that severall
 Indians were seen skulking about Albany and Schonectady,
 and that the people there were much frightened, and I being
 informed that that letter was sent to my Lord Cornbury
 on that head, I conveened the Councill, who advised me to open
 the letter, which I did in Councill, and found a paper inclosed
 in Indian and Dutch, which I immediatly gott translated into
 English, and sent expresse to Burlington to his Lordship. *Refers*
to enclosures, by which your Lordships will perceive that my
 Lord Cornbury directs me (while he himself is in New Jersey)
 to repair thither, he having appointed that for my station, and
 New York to be left without either Governour or Lieut. Governour.
 I immediatly obeyed, and on my arrival at Burlington waited
 on his Lordship for his directions, but did not nor have to this
 day received any instructions from him. About three months
 since (I having been before that time commanded to Burlington
 by his Lordship) and then residing there, one of our cheif Indian
 Sachims, having travelled from this country to Pennsylvania to
 trade and having gott a pass from the Governor of that Province
 to Burlington, and being arrived here, he applied to me for a
 passe to the Province of New York, which I granted to him.
 My Lord Cornbury told me that I had done what I had no power
 to do, that it was his prerogative only to grant passes. Whereon
 I desired that his Lordship would please to give me instructions
 that I might know what I had to do, but he told me he did not
 design I should act at all, and that therefore he would not give
 me any instructions, adding further that when he was in either
 of his Governments of New York or New Jersey, he was in both.
 These are the only two acts of government I have done since my
 arrival here, of which I believe it my duty to acquaint your
 Lordships. I humbly pray that since my Lord Cornbury does
 not think fitt to give me any instructions, that your Lordships
 will give me directions how I shall discharge my duty to H.M. *etc.*
Signed, Rich. Ingoldesby. *Endorsed*, Recd. Feb. 12, Read

1705.

April 5, 1706. 3 pp. *Set out, N.Y. Docs.*, iv. pp. 1162, 1163. *Enclosed*.

1443. i. Copy of a letter from Onnondage received by B. Freeman. Schenectady, Nov. 2, 1704. An Onnondage Indian is arrived from Canada, and gives an account about the belts sent by Col. Schuyler, vizt., that the two Castles, Kagnawage and Kanossadage, were willing to accept of the offers sent by the said belts, but that some of them dare not, but would rather refer it to their Governor, who thanked them that they had submitted the matter to him, and acknowledged them to be their head. The Governor answered that Corlaer's Lake or the Lake Rodsio was locked up for them in this matter, as also in regard of merchandize, and that it was ill people that passed that way, but that it was only a path for soldiers, but that the path of peace runn through the Lake of Cadaracqui to Onnondage. And further that four Kagnawages Indians are gone out to fight against the English, and another twenty, which this Indian saw go out of Chambly and sayd they would go and fight a place called Aorage. The French this last fall were intended to make an attack somewhere, but it was stopped by the Sachems. As also that an army was preparing with great vigour to make an attack this winter over the ice, but on what place, it was kept secret. And lastly this Indian had seen 7 French spies at the hout Kills by the Little Falls. *Signed*, Barnardus Freeman, Adam Vrooman, Lawrence vander Volgen. *Endorsed as preceding*. 1 p. *Set out, N.Y. Docs.*, iv. pp. 1163, 1164.

1443. ii. Lt. Gov. Ingoldesby to Governor Lord Cornbury. New York, Nov. 12, 1704. *Encloses preceding*. *Signed*, Rich. Ingoldesby. *Endorsed as preceding*. 1 p. *Set out, N.Y. Docs.* iv. p. 1164.

1443. iii. Governor Lord Cornbury to Lt. Governor Ingoldesby. Burlington, Nov. 15, 1704. Yours came to my hands last night. It was no small surprise to me to find that you had opened a letter directed to me, when you had no instructions from me to do it, *etc.* You know very well that I have appointed your station in this place. I hereby require you forthwith to repair to your duty here *etc.* *Signed*, Cornbury. *Same endorsement*. *Copy*. 1 p. *Set out, N.Y. Docs.* iv. pp. 1164, 1165. [*C.O.* 5, 1049. Nos. 11, 11.i.-iii.; and (*without enclosures*) 5, 1120. pp. 441-446.]

Nov. 13. **1444.** Mr. Addington to Mr. Popple. Capt. Carey and the
Boston. cannon for Castle William have arrived. *Signed*, Isa. Addington. *Endorsed*, Recd. 31 Dec., Read Jan. 23, 1705(6). *Addressed*. *Sealed*. $\frac{1}{2}$ p. [*C.O.* 5, 864. No. 2; and 5, 912. p. 104.]

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Nov. 13. **1445.** Copy of Affidavit by R. Sampson, Nov. 13, 1705, that Mr. Colin Campbell endeavoured to suborn him to swear falsely against Capt. Lloyd and Solomon Merret. *Signed*, Richard Sampson. 1 p. *Annexed*,
1445. i. Copy of affidavit against Mr. Merret and Capt. Lloyd, which Mr. Campbell endeavoured to make Sampson sign. *The whole endorsed*, Recd. Read Jan. 3, 170 $\frac{1}{2}$. 1 p. [*C.O.* 194, 3. Nos. 87, 87.i.]

- Nov. 13. **1446.** (a) An account of goods imported from Pennsylvania from Christmas, 1699—Christmas, 1700.

				Quantity.			Customs.		
				cwt.	qrs.	lb.	l.	s.	d.
Ginger, dry	..	..	..	2	0	0	0	13	0
Melasses	..	..	..	177	0	0	11	4	2
Rice	..	..	..	7	1	13	1	7	10 $\frac{1}{2}$
Sugar, Brown	..	..	..	4	3	5	0	13	7
Indico	..	..	..	130	0	0	1	6	7
Shruff	..	..	..	4	2	21	1	7	10
Skins	Bear, Black	..	..	452	..	..	64	2	7
	Beaver	..	..	121	..	..	5	14	5
	Buck in hair	..	..	516	..	..	9	3	1
	Catt	..	..	826	..	..	2	6	10
	Elk	..	..	14	..	..	0	19	11
	Fisher	..	..	96	..	..	3	8	1
	Fox	..	..	1,322	..	..	12	10	4 $\frac{1}{2}$
	Mink	..	..	783	..	..	8	6	8
	Musquash	..	..	2,163	..	..	7	13	5 $\frac{1}{2}$
	Otter	..	..	116	..	..	3	2	3 $\frac{1}{2}$
	Raccoon	..	..	4,721	..	..	16	16	11
	Wolf, untaw'd	..	..	173	..	..	26	4	6
Tobacco	..	..	..	64,791	lb.	..	1,414	6	6 $\frac{1}{2}$
Whale finns	..	..	..	5	cwt.	..	7	3	1 $\frac{1}{2}$
Wood, braziletto	..	..	..	5	ton 5cwt.	..	10	4	4
Cow Hornes	..	..	..	700	at 2l. 10s. 0d.	..	0	7	1 $\frac{1}{2}$
Skins, Buck, $\frac{1}{2}$ drest	..	..	..	550	at 69l. 6s. 0d.	..	9	16	9 $\frac{1}{2}$
Total				..	..	..	1,619	0	1

Signed, Walter Cox. *Endorsed*, communicated by Mr. Penn. Recd. Read Nov. 13, 1705. 1 p.

(b) Imports from Pennsylvania, Christmas, 1700—1701.

				Quantity.			Customs.		
				l.	s.	d.	l.	s.	d.
Cocheneal	..	..	..	6	lb.	..	0	1	11
Lignum vitæ	..	..	..	3	l. 3qrs.	..	2	19	6 $\frac{1}{2}$
Spermaceti, coarse	..	..	..	12	lb.	..	0	0	9 $\frac{1}{2}$
Sugar, Brown	22	cwt. 1qr.	..	3	3	5
„ White	2	qrs.	..	0	4	9
Oyle, traine	1	l. 12galls.	..	0	11	5
Shruff	3	cwt.	..	0	17	1

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		Quantity.		Customs.		
				<i>l.</i>	<i>s.</i>	<i>d.</i>
Skins	Buck in hair	791	..	14	0	6½
	„ drest	29	..	1	0	5½
	Bear, black	932	..	132	4	7
	Beaver	547	..	25	17	4½
	Cat	799	..	2	5	5
	Elk	28	..	1	19	8½
	Fox	3,811	..	36	11	0
	Fisher	42	..	1	9	9
	Mink, untaw'd	1,062	..	11	6	0½
	Martron	21	..	0	14	8
	Musquash	158	..	0	10	11½
	Musk Ratt	194	..	0	13	9½
	Otter	261	..	9	5	2
	Raccoon	5,525	..	19	11	10
	Wolf, untaw'd	100	..	16	6	4
Tobacco	.. ..	269,698 <i>lb.</i>	..	5,937	5	7½
Logwood	.. ..	60 <i>ton.</i>	..	285	0	0
Total		..	..	£6,503	12	1

Signed and endorsed as preceding. 1 p.

(c) Pennsylvania Exports, Christmas, 1701—Nov. 14, 1702.

		Quantity.		Customs.		
				<i>l.</i>	<i>s.</i>	<i>d.</i>
Sassafrass	.. ..	3 <i>cwt.</i>	..	0	5	8
Shruff	.. ..	5 „	..			
Staves Pipe	.. ..	10 „	..			
Skins	Buck in haire	1,056	..			
	Bear, black	799	..			
	Beaver	188	..	8	17	10
	Catt	492	..	1	7	8½
	Elk	14	..	0	19	11
	Fox	1,479	..	13	19	9
	Fisher	717	..	25	8	7½
	Mink, untaw'd	966	..	10	5	7
	Martron	4	..	0	2	10
	Musquash	438	..	1	11	1
Skins	Otter	188	..	6	13	4½
	Raccoone	4,687	..	16	12	6
	Wolf, untaw'd	147	..	23	19	8
			..			
Tobacco	.. ..	368,439 <i>lb.</i>	..	8,042	14	4
Logwood	.. ..	43. 14. 2. 0.	..	207	13	10½
Cow Hornes	.. ..	12 <i>qrs.</i> at 3 <i>l.</i>	..	0	8	5½
Chocolate	.. ..	45 <i>lb.</i> at 7 <i>l.</i> 2 <i>s.</i> 6 <i>d.</i>	..	3	5	2
Cocoa Nuts	.. ..	124 <i>lb.</i> at 9 <i>l.</i> 4 <i>s.</i> 0 <i>d.</i>	..	4	8	1½
Skinns, Buck, ½ drest	.. ..	232 at 34 <i>l.</i> 16 <i>s.</i> 0 <i>d.</i>	..	4	18	8½
Total		..	..	£8,505	9	9

Signed and endorsed as preceding. 1 p. [C.O. 5, 1263.
Nos. 39-41; and 5, 1291. pp. 226-228.]

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Nov. 14.
Whitehall.**1447.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following to be laid before H.M.*

1447. i. Council of Trade and Plantations to the Queen. Upon the petition of Nov. 8, we humbly represent that it may very much tend to the promoting the production of Naval Stores in the Plantations, that a Surveyor General of the Woods be appointed (that place being now vacant) with such powers and instructions for preserving the woods from spoil as shall be thought fit, and with directions to instruct the inhabitants as *suggested* Nov. 8. *Propose* John Bridger as a fit person to be commissioned with a salary not exceeding 200*l.* sterl. *per annum.* [*C.O.* 5, 911. *pp.* 476-478.]

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New Yorke.**1448.** Mr. Heathcote to Mr. Secretary Hedges. *Encloses duplicate of Nov. 9, with further explanations. Signed, Caleb Heathcote. Endorsed, R. Feb. 8. 2 pp. [C.O. 5, 1084. Nos. 32, 32.i.]*

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1449. Proprietors of West New Jersey to Council of Trade and Plantations. *Repeat part of Memorial of April 17, q.v. With Additions* :—An Assembly having been chosen in 1703, pursuant to your Lordships' Instructions, prepar'd Bills for settling the rights of the Proprietors and Planters, and for raising a revenue of 13,000*l.* *per annum* for 3 years (which they knew was the utmost the country could bear) for the support of the Government; but H.E. requiring a greater summe, several persons our constant enemies, and invaders of our propertys, and who therefore oppos'd the Bill for settling our rights, undertook to procure an Assembly more obedient to H.E. demands; and by that and other arguments, which out of regard to his Honour, we choose to wave the mention of, prevail'd upon him to dissolve that Assembly, and to call another to sit in Nov. last. The writs were issued and the elections directed to be made in such haste that in one of the writs the qualifications of the person to be elected was omitted, and the Sheriff of one County not sworn till 3 days before the election, and many of the towns had not any (much less due) notice of the day of election *etc.* *Add to the account of the exclusion of the 3 members* :—This attempt was seconded by another trick of Revell and Leeds, who immediately sent the following note to the House of Representatives: "Gentlemen, We underwritten, supposing we had good reason to charge 3 of the persons return'd to serve as Representatives in this General Assembly, but upon due consideration find it difficult to come to a true determination thereof until we can by further enquiry find the truth of what we have been informed of; we therefore humbly desire 14 days' time further, that we may be able more fully to inform this House therein, which we humbly suppose at present cannot reasonably be expected from us. We subscribe ourselves your humble suppliants, Tho. Revell, Dan. Leeds. Nov. 15, 1704." The Counties for which they were chosen to serve express'd a great dissatisfaction at the exclusion of their Members, and these and

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several other Representatives delivered an Address to H.E. for having them admitted to their right, which met with no other reception than being call'd a piece of insolence and ill manners. By this exclusion of 3 Members and the contempt of the Address for their admission, the undertakers gain'd a majority by one in the House of Representatives, who adjourn'd the hearing of this case until they had reap'd the fruits of their iniquity, and accomplished the ends for which it was contriv'd. For whilst this case was depending, a Bill for taking away the qualifications of the electors and the elected and placing the right of choosing and being chosen in the freeholders generally, without any express value of their estates, was pass'd, wherein there is this remarkable and self-condemning declaration of H.E.'s proceedings, viz., *That the Representatives met in General Assemblies are and shall be the judges of the qualifications of their own Members.* After this and one other Act were pass'd, a day of hearing was allow'd to the 3 excluded Members, and notice of it given to Revell and Leeds, who would not vouchsafe to appear, but having already obtain'd their ends, graciously signify'd by a message their mistake in their objection to those Members. The House proceeded in their enquiry, and by deeds and other authentick proofs was so fully satisfy'd of the estates of those excluded Members, and that Revell and Leeds had been convinc'd thereof at the time of their elections, that the House unanimously declar'd them duly qualify'd, and sent two of their body to acquaint H.E. of it, and to pray they might be sworn. But H.E. (whether out of a desire of assuming the glory of this arbitrary proceeding wholly to himself, or of making the country sensible that notwithstanding the Act so lately passed, declaring the House judges of their own Members, he was resolved to exercise that power for the future, or for what other reason, we know not) told those messengers he must be satisfy'd of their qualifications as well as the House, and still keeps them out of the Assembly. If he can at his pleasure reject 3 Representatives he may reject all, and make what laws he thinks fit, without the formality of an Assembly. *Objections to the Bill for taxing all lands without distinction.* :—There is no other Colony in America, wherein uncultivated lands are taxed, and as this Act was intended, so none more effectual could have been contriv'd to prejudice the country in general and the Proprietors in particular. For if any man who has 1,000 or more acres of land, which he can neither manure nor sell (as most of the first Planters have), he must pay a tax for this land which may eat up the greatest part of the profit of what he can and does cultivate; or he must desert the whole; and if we who have great tracts of land of many thousand acres to sell, let or settle but a few acres to maintain our agents or servants, we must pay a tax for all the residue, which yields us nothing. In consequence of this Act, several persons who had agreed with our Agent for land, have renounced their bargains, and remov'd into other countries, where they can purchase great tracts of land, and preserve them for their posterity to settle on, and we, unless reliev'd from this oppression,

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must deliver up our lands or our purses. This tax is impos'd by the Act passed in the Assembly for raising a revenue of 2,000*l.* *per annum* for 2 years for the support of H.M. Government within that Province. And we have great reason to believe it to be part of the return promised by the undertakers to H.E., for his dissolving the former Assembly and curtailing the last of 3 Members. It is a matter of some wonder to us that after so many Acts of despotick power, H.E. did not assume to himself, or obtain from the last Assembly, an authority of licencing any persons to purchase lands from the Indians, but condescends to apply to your Lordships for an alteration of his Instructions in that particular. There wants only the breach of this Instruction to compleat the ruine of our interests in New Jersey, and we humbly hope your Lordships will not enable him to give that finishing stroke. This Instruction founded upon the right which the Crown of England claims by the law of nations to all countries discovered by English subjects, was intended to assert that right against the pretences of many Planters, who set up the Indians' title in competition with it, and if that right be taken from the grantees of the Crown, all patents and grants of the whole main land of North America have been only Royal Frauds, under the sanction of the Great Seal of England, and no man will ever after purchase lands under that title. H.E. was lately so full satisfy'd of the policy and reasonableness of asserting this right to the Crown and its grantees, that in 1703 he recommended and assented to an Act of Assembly for restraining all persons besides the Proprietors from purchasing lands of the Indians, under great penalties, and for vacating all such purchases formerly made, unless the purchasers took a fresh grant from the Proprietors, of which Act we humbly pray your Lordships' perusal. We are purchasers for ready money, under a grant from Charles II, and are willing to sell our lands and the Indians' title to it at reasonable rates, according to the goodness of their soil and situation, and ought not to be compell'd to accept a quit-rent (much less a quit-rent to be set by other persons than ourselves, as H.E. proposes), instead of selling for ready money, nor ought our properties to be at the disposal of a Governor. 'Tis not the want of a power in the Planters to purchase lands from the Indians, but the taxing of uncultivated lands, and overturning the Constitution for Assembly-men, that has occasioned those persons mention'd by H.E. to remove to Pennsylvania and other Colonies. The usage we have received from H.E. is so contrary to the terms of our surrender of Government, to the assurances we had from your Lordships of the due observance of them, and to the plain Instructions given by your Lordships to H.E., that we humbly hope it will not be thought any immodesty or want of duty in us to protest, as we do protest, against all the proceedings of the last Assembly, wherein by the arbitrary exclusion of 3 Members without any just exception, the country was not duly represented, and to beg your Lordships' intercession with H.M. that the Acts pass'd in that Assembly may not be confirmed by her royal assent. We further pray that Coll. Lewis Morris,

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who has been a second time suspended from his place in Council by H.E., only for using the freedom which every Member of the Council is entitled to, and ought to exercise, of opposing any Bill brought before them, if he conceives it prejudicial to the interest either of the country in general or of any particular persons, may be restored, and that your Lordships will please to place in the rooms of such as are dead, some of the persons following: Miles Foster, Richard Townley, Hugh Hoddy, Wm. Hall, and John Harrison, who are men of known integrity and estates, and as a further security of our estates there, [and] that no persons may at any time be admitted of the Governor's Council or to be in the Commission of the Peace, or of the Militia, but such who have real estates in the Province. suitable to their stations, and who reside there. *Signed*, Tho. Lane, Paul Docminique, Jno. Bridges, Rob. Michel, Tho. Burrow, Fra. Michel, Eben. Jones, Jos. Brooksbank, Jno. Norton, Jno. Bennett, E. Richier, Tho. Skinner, Richard Greenaway, Jos. Collyer, Cha. Michel, Jos. Micklethwait, Tho. Lewes, Wm. Snelling, Michael Watts. *Endorsed*, Recd. Sept. 1, Read Nov. 14, 1705. 16 pp. [C.O. 5, 970. No. 32; and 5, 994.A. pp. 232-249.]

Nov. 14. **1450.** Observations of the Council of Trade and Plantations upon *preceding*. Embodied in Letter to Lord Cornbury Feb. 4, 1706, q.v. 5½ pp. [C.O. 5, 970. No. 33; and 5, 994.A. pp. 250-252.]

Nov. 15. **1451.** Governor Dudley to Mr. Popple. Since my packetts were sealed, I received the inclosed papers. Col. Hutchinson *etc.* are a Committee of the Proprietors of lands in the Naragansett Country. They have laboured long enough to be convinced that they can have no right from that Government of Road Island, who against the express command of K. Charles II have entered upon those lands and disposed them. I humbly offer them to the Board. I am very sensible the petitioners will ask nothing if that Government of Road Island be altered, being well assured they shall have justice done them, but if not they will be very glad if they may have a proper Court appointed for that end. *Signed*, J. Dudley. *Endorsed*, Recd. Dec. 31, 1705. Read Jan. 23, 1706. *Holograph*. *Addressed*. 1 p. *Enclosed*,

1451. i. Associated Proprietors of the Mortgaged Lands of the Narragansett Countrey to Governor Dudley. It is upon oppressions from the Governmt. of Rhode Island to the last degree that necessitates this Address. That Government, if it hath not encouraged it hath at least connived at the most unjust and disorderly invasions upon rights and properties made by a great number of fugitives and persons of no fortunes. When we have attempted to make some orderly settlements upon our lands aforesaid, we have been opposed by the intruders, with threatenings as riotous persons; when we have applied to the Court of Tryals in Rhode Island, we could not obtain justice; when we have addressed

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the General Court with the greatest modesty and submission, our Addresses have been by some in that Government. termed scurrilous, and if others have been more reasonably inclined to do us right, all that could be obtained was that our petitions should be referred to another Assembly, which, when that came, would have no regard to our Memorials. Some in that Government behold the partiality of the great part with regret, and they as well as we must despair of having things better whilst the Freemen of that Colony are increased by the greatest disorders, to maintain a faction that neither fear God nor regard man, that will treat the most sacred attestations of the Crown, the Great Seal of England with ignominy and contempt *etc.* *Recapitulate* history of the Narragansett Country and Mortgaged Lands, 1660, *etc.* The Government of Rhode Island have rejected the settlement and constitution made by your Excellency (1686), and have let in and countenanced a great number of lewd and dissolute persons, fugitives and such as the Governor and Magistrates in that Colony have of late themselves called vagabonds, who have intruded upon our lands; and particularly the Government hath taken upon it to grant townships and allowed persons that have no right to lay out lots and settle upon the same within the lands purchased by the Proprietors. *Refer* to settlement of French Refugees by your Excellency and the attacks of the inhabitants of Greenwich. (*See C.S.P.*, 1699, Nos. 975, 975.xx., *etc.*) The Proprietors have, since a settlement of the jurisdiction of the Narragansett Country by agreement between Rhode Island and Connecticut, brought writs of ejectment against some of the intruders upon their lands, in one of which they with much difficulty obtained a judgment, but have bin since defeated in others by the obstinate partiality of the Jurys. We can have no hopes of any fair trials in Rhode Island. The Assembly rejects all our applications for a fair trial, and when certain gentlemen of that Colony, who are well ascertained of the right of the Proprietors, having treated with them for the purchase of a tract of land in order to a regular settlement of a town in the Narragansett Country, petitioned the Assembly to grant a township to them with rights and priviledges according to their usual form, the Deputies of Rhode Island, after several debates and messages between themselves and the Magistrates of the Colony, have finally voted that no tax shall be granted until the Proprietors are wholly outed their lands, and the lands divided amongst such as they call Freemen of that Colony, many of which are made of such as the Governor and Magistrates the last year called vagabonds *etc.* *Pray* H.E. to intercede with

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- H.M. that they may have justice done them. *Signed*, Elisha Hutchinson, Jno. Saffin, for himself and Capt. Andrew Willet, Benja. Lynde, J. Leverett, Committee for the Proprietors. *Endorsed*, I received this address yesterday *etc.* *Signed*, J. Dudley, Nov. 14, 1705. Recd. 31st Dec., 1705. 9½ pp.
1451. ii. Copies of papers in confirmation of above. (a) Bounds of the grants from the Council from Plymouth in Devon to Wm. Bradford *etc.* for New Plymouth in N. England, Jan. 13, 1629. (b) Bounds of the grant from the same to Lord Say and Seale, March 19, 1631. *Signed*, Elisha Hutchinson. 1 p.
1451. iii. Copy of the Deed of Mortgage of the Narragansett lands, Sept. 29, 1660. We the Sachems of the Naragansets, in consideration of 595 fathom of wampom, required of us by ye Commissioners to be paid within 4 months, do firmly mortgage unto the Commissioners of the united Colonies all our whole country, *etc.*, always provided that in case we shall pay or cause to be paid to the Governor of Connecticut 595 fathom of wanpom, within four months, with the charge of the five messengers sent unto us by the Commissioners, then this mortgage shall be void. *Signed*, Quissoquons, Neneglad, Scattup, Narraganset Sachems. Their marks. Signed in the presence of Richard Smith, Samuel M. Eldred, Newcom ye Indian, Awashous. Hartford, Sept. 7, 1664 [*sic*]. Recorded in ye 26 page of ye old Court Book, as attest John Allyn, Secry. 1 p.
1451. iv. Copy of receipt by John Winthrop, Nov. 16, 1660. I have received this day of Capt. Edwd. Hutchinson by the appointment of Major Humphry Atherton and Co., for and by the appointment of Quiscoquons, Neneglad and Scuttup, 735 fathom of wampom peage, in full discharge of the above contract. *Signed*, John Winthrop. Recorded in the 27th page of the old Court Book, Hartford, Sept. 7, 1664. *Attested*, John Allen, Secy. A true copy, Nathl. Coddington, Assist. 1 p.
1451. v. Secretary of Connecticut to Major Atherton. Hartford, Oct. 13, 1660. Upon consideration of your desires respecting the wampom to be paid by the Narragansets, the General Court decided that the sum of wampam imposed by the Commissioners shalbe accordingly performed unto our Governor here, as also 140 fathom for the charges of the Messengers. Upon payment whereof the agreement is to be surrendered. *Signed*, Danl. Clark, Secr. A true copy, N. Coddington. 1 p.
1451. vi. Grant of the Narraganset Country, except that part already alienated, to Major Humphrey Atherton and his Associates upon condition that they pay the above charge of 600 fathom of wampom peag, always providing that if within 6 months we pay them back, this writing

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shall be void *etc.* Oct. 13, 1660. *Signed*, Suckquanish, Nenagrat, Scuttup, and Scuttup for his brother, Wequakanuit. Indian witnesses:—Pawatuck, John. English witnesses:—Valentine Whitman, Reuben Willis. Recorded in the old Court books at Hartford, Sept. 7, 1664, *per* John Allyn, Secretary. Vall. Whitman made oath that he saw the Sachems sign the above. Aug. 20, 1683, before me, Danl. Smith, Assist. A true copy, N. Coddington. $1\frac{3}{4}$ pp.

1451. vii. Deposition of J. Button and others that this spring Scuttup, in presence of 2 or 300 Indians in behalf of himself and friends delivered possession by turf and twigg of ye land at Petaquamscott and the country thereabout to Capt. Edw. Hutchinson, Capt. Willm. Hudson and Richard Smith, jr., *etc.*, declaring the land to be already sold by deed by the rest of the Sagamores as well as by himself to Capt. Hutchinson and Co. *Signed*, John Button, John Rhodes, Wm. Cotton, Ambros Leach. Sworn before me, Sept. 22, 1662, Jo. Endicott, Govr. Acknowledged by the first three, Aug. 29, 1664. Attested, Edwd. Rawson, Sec. True copy, N. Coddington. 1 p.
1451. viii. Declaration of Scuttup and the other Narraganset Sachems. Dec. 28, 1664. Whereas we made over all our lands to Major Atherton (*as in* Nos. vi. and vii.), and whereas I, Scuttup, of my own voluntary mind sent Wiskhunk and Sepcwampshe, two of my Counsellors, and John Indian for an interpreter unto Boston, to desire of Capt. Hutchinson and Co., that I, in regard of my sickness, as they have bin always friends to me, so they will continue to be to my sister, after me, and to all the Indians under me, *etc.* In sure confidence of their love to us, I together with my sister and Counsellours in behalf of the rest of the Indians, do hereby declare that we do all so well approve of ye Government and manners of the English that we voluntarily desire to be governed by their Laws and Governors, and desire to be no longer under the Indian Government *etc.*, and therefore have made choice of our own accord of our loving friends, John Winthrop, Govr. of Connecticut, Capt. Thomas Willet of Plimouth Colony, Capt. Edw. Hutchinson of Massachuset Colony and the rest of the Company concerned with them, to settle us and our people under the Government of such English within the United Colonies as they themselves shall make choice on *etc.* *Signed*, Scuttup, *alias* Mehomer, Queneniquis, Wiskwowk, Counselor, Sepowond, Counselor, Mokey, John Indian, Joseph Dallaware, Lowidwick Updicke. (*With totem marks.*) Copy. $1\frac{1}{2}$ pp.
1451. ix. Deposition of Joseph Dallawar (*or* Dollewar). On Dec. 28, 1664, Scuttup, in presence of a great number of Indians and of Thomas Staunton of Stonington and

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Richard Smith of Narraganset *etc.*, confirmed the *above* sale of lands to Major Atherton and delivery to Capt. Hutchinson as in *preceding*. I witnessed the *preceding deed*. Signed, Joseph Dollewar. Kingstown, Feb. 16, 170 $\frac{3}{4}$. *Copy*. 1 p.

1451. x. Copy of Agreement between the Agents of Connecticut and Rhode Island. (*See C.S.P.*, 1663, No. 433.) 1 $\frac{1}{2}$ pp.
1451. xi. Extract of Report of the Commissioners upon the Claims to the Narraganset Country, Oct. 20, 1683. (*C.S.P.*, 1683, No. 1986.) 1 p.
1451. xii. Minutes of President and Council of New England in King's Province, New England. Rochester, June 23, 1686. Joseph Dudley, President. (*Cf. C.S.P.*, 1686, p. 261.) Justices sworn. Ordered that the 3 towns be called Rochester (formerly Kingston), Feversham (commonly called Westerly), Dedford (formerly Greenwich), *etc.* Forasmuch as sundry persons have been deluded, and whilst no Government was settled upon the place, have been encouraged without licence from the Proprietors to build and make improvement upon the Mortgage Lands, to the end that they may have seasonable time to make their composition, that so they may either upon purchases, rents or other good agreements enjoy their improvements *etc.*, ordered that no possessor of any such lands be molested before Aug. 20; and in case, upon treaty with the Proprietors, they receive not satisfaction, their complaints shall be heard by the President and Council at Boston *etc.* *Copy*. 2 pp.
1451. xiii. Act of Rhode Island. Oct. 30, 1672. (*See C.S.P.*, 1672, No. 951.) *Copy*. 1 p.
1451. xiv. King's Commissioners to the Magistrates of Rhode Island. Sept. 15, 1665. (*See C.S.P.*, 1665, No. 1033.) *Copy*. $\frac{1}{2}$ p.
1451. xv. K. Charles II to the Governor and Magistrates of Rhode Island, Feb. 12, 167 $\frac{8}{9}$. (*See C.S.P.*, 1679, No. 890.) *Extract*. $\frac{1}{2}$ p.
1451. xvi. General Assembly of Rhode Island to Lt. Gov. Cranfield. Desire to see his Commission *etc.* Warwick, Aug. 21, 1683. *The letter referred to C.S.P.*, 1683, No. 1253. *Copy*. 1 p.
1451. xvii. Governor Sandford to Governor Cranfield. Newport, Nov. 11, 1682. Express their submission to H.M. letter of June 5, 1682, (*C.S.P.*, 1682, No. 539), and their congratulations on his appointment *etc.* *Copy*. 1 p.
1451. xviii. H.M. Commissioners to the Assembly of Rhode Island, Narragansett, Aug. 22, 1683. *Reply to No. xvi.* We cannot but wonder that you doubt of H.M. Commission, *etc.*, intimation of wch. you have already received from H.M. and us, with our design of meeting here, where H.M. Commission hath this day been read, but found not that respect from ye Messengers of your

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- letter as to be heard read, though Civilly desired *etc.* If you send any persons in whom you can repose any trust, they may see and take a copy of it. *Signed*, Wm. Wharton, Regr. *Copy.* 1 p.
1451. xix. Proprietors of the Narraganset Mortgage lands to the Governor Cranston, Council and Assembly of Rhode Island. Feb. 16, 1704 (5). *Repeat* complaints of the hardships they meet with in the Court of Trials and appeal for redress (*see No. 1 supra*). *Signed*, on behalf of the Proprietors, Wait Winthrop, Elisha Hutchinson, John Saffin, J. Leverett, Nathl. Coddington. *On back*, It is the opinion of the House that this petition be referred to the next Assembly *etc.* And at the setting of the next Assembly not called for. *Copy.* 3½ pp.
1451. xx. J. Sheffield and C. Arnold to the Governor, Council and Assembly of Rhode Island. May 5, 1705. Pray to be allowed to settle a township in the Narraganset Country, towards which they have already made some progress. *Signed*, Joseph Sheffield, Caleb Arnold. *On back*, Referred to next Assembly *etc.* 1½ pp.
1451. xxi. Assembly of Rhode Island, June 19, 1705. Vote sent up, that the petition of Capt. Arnold and Capt. Sheffield (*preceding*) be answered, they paying 200*l.* into the Treasury, and Mr. Whipple and partners shall have 20,000 acres adjoyning on the south side of the land petitioned for by Arnold and Sheffield, they paying 200*l.*, always provided that it infringe not on the land of Ninecraft, or the land of Westerly, or any other lawful purchase, and also to raise a tax of 600 to be paid by the last of November. Passed to the House of Magistrates. *Subscribed*, This House agree *etc.* Past to the House of Deputies. *On back*, To the House of Representatives. Our opinion is that the petitions of Arnold, Shieffield, and Whipple be referred to ye Assembly in October. Past to the House of Deputies. It is the opinion of this House that the raising of money be referred to Oct. next also. Past from the House of Dept. to ye House of Magestr. 2 pp.
1451. xxii. House of Magistrates of Rhode Island to the House of Deputies. May 3, 1704. Whereas in time of differences between Conecticut and Rhode Island about boundarys *etc.*, many things have been done by many persons on the Narraganset Country by making settlements on the said lands, having no rights to the same, and contrary to the Acts of Assembly of the Colony, and whereas many persons in said country within the Colony and some of the other Colonys challenge clame in said country of soyle, all weh. have made great contests *etc.*, it is therefore proposed that there might be some persons chosen to order the boundarys of Greenwich be settled of the land granted by ye Colony

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etc., and to inspect the several claims in the Narraganset Country and propose what may be for the ending of all controversies *etc.* Past to the House of Deputies and by them flung out. *Copy. 2 pp.*

1451. xxiii. Queries put by Governor Cranston to the Assembly of Rhode Island, June 19, 1705, which were returned without answer from the House of Deputies. What right hath the Colony to the Mortgaged lands, and should they make a disposition of them, *etc., etc.* *Copy. 1 p.*
1451. xxiv. Act of Assembly of Rhode Island. Every town at their town-meeting hath power to make such men freemen of their towns as they judge may be meet *etc.*, and all such persons shall have votes for ye choice of all officers in ye town where they dwell, and ye names of all such freemen being presented to ye Assembly, if they pass by vote to allow them freemen of ye Colony, then shall they have their votes of electing general officers att the times of election. *Copy. 1 p.*
1451. xxv. Copy of Governor Cranston's Warrant to Joseph Crandall, Espetiall Constable, Dec. 2, 1699, to arrest certain men of Westerly who have obstructed the meeting of the justices there, by remonstrating against the choosing of rate-makers, according to an Assembly Act at Warwick, Oct. 25, 1699, *etc.* *Copy. 1 p.*
1451. xxvi. Remonstrance of the Westerly men (*referred to in preceding*), Nov. 22, 1699. Lord Bellomont has advised to forbear distraining for taxes until the controversy betwixt Connecticut and Rhode Island be decided. Wherefore we desire to have no trouble from Rhode Island for rate money, and hereby positively refuse to doe anything in order to making a rate or paying any money until things are settled and it be determined who we of right belong to *etc.* *Signed*, James Pendleton, Joseph Pemberton, Georg Denison, Joseph Staunton, John Lewis, Daniell Crum, John Babcock, Edward Wilcock, Joseph Pendleton, Edward Bleuen, Roger Larkin, James Lewis, Israell Lewis, Joseph Babcock. *Copy. 1 p.*
1451. xxvii. Capt. Fones' evidence as to Pierre Ayrault. July 23, 1700. (*Cf. C.S.P., 1699, No. 975.xx.*) *Signed*, John Fones. *Copy. 2½ pp.*
1451. xxviii. P. Ayrault's Remonstrance against some irregularities and inhumanities committed against him by inhabitants of East Greenwich, in Naragansett, July 23, 1700. I was dragged to Court late at night by force on a warrant they refused to read to me, and my wife struck and flung on the pavement. Samuel Davis and Abner Spencer siezed my son, Daniel, without any cause and flung him on the stones, *etc.* Aug. 7, 1700. *Copy. 1¼ pp.*

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1451. xxix. P. Ayrault to [? Governor Dudley]. Repeats his complaint and asks for redress. *Signed*, Pierre Ayrault. 3 pp.

1451. xxx. Copy of agreement (*referred to in preceding*) between Richard Wharton, Elisha Hutchinson and John Saffin on the one side and Ezekiel Carre and Peter Berton, French Gentlemen, and their associates on the other for settling a town in the Narraganset Country. Nov. 4, 1686. *Copy*. 1½ pp.

1451. xxxi. Map of the French settlement in Narraganset referred to above, and list of the 51 families of French settlers turned out by the Rhode Islanders. 1 large p. [C.O. 5, 864. Nos. 9-40; and (*without enclosures*) 5, 912. pp. 106-110.]

[? Nov. 15.] **1452.** Memorandum of a proposal [? by Francis Farnandoe, *see* Nov. 24] for H.M. to fit out 2 ships one of 50 guns and one of 30, to intercept the Spanish fleet with war chest *etc.* ½ p. [C.O. 137, 45. No. 69.]

Nov. 15. **1453.** Further proposals for the same expedition. *Endorsed*, R. Nov. 15, 1705. 2 pp. [C.O. 137, 45. No. 70.]

Nov. 16. **1454.** W. Popple, jr., to Constantine Phips, Agent for Whitehall. New England. The Council of Trade and Plantations send you copies of the complaints they have received from Mr. Gallop *etc.*, that you may lay before them what you may have to offer in the behalf of Col. Dudley. [C.O. 5, 912. p. 1.]

Nov. 16. **1455.** W. Popple, jr., to Josiah Burchett. The Council of Whitehall. Trade and Plantations enclose extract of letter from Mr. Gallop *etc.* to be laid before the Lord High Admiral's Council. They desire to know whether the granting of such a Commission by Gov. Cranston *as referred to* be regular and allowed of by H.R.H., Col. Dudley having a Commission of Vice-Admiralty for several Colonies in New England, whereof Rhode Island is one. [C.O. 5, 912. p. 2.]

Nov. 18. **1456.** Lt. Governor Usher to the Council of Trade and Boston. Plantations. In June, 1704, gave your Lordships account of one James Austin, one of the pirates belonging to Capt. Quelch's Company, was seized in Province New Hampshire, there was found in a girdle aboutt him considerable quantity of gold, H.E. sending for me to Boston and ordering me to deliver itt to Commissioners appointed for receiving the same, accordingly did. *Quotes receipt. Repeats part of letter of March 27, and refers to Col. Allen's death and the proposal made to him. (See No. 1432.i.)* Judge Col. Allen would not acceptt. As to proove of title, possession and constant claime, all in writeing on file, evidences on both sides adm[itted] without any objection. Pray the case may goe on and be heard before Governor and Co[uncill] and soe appeal for England, or else liberty to bring an appeal from judgmt.

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given ; [*if forced*] to trye ye case anew, will be very prejudiciall to Mr. Allen's interest, some of the evide[nces] being dead ; the Judges refused with greatt contemptt to give directions to Jury, to find specially, tho' Col. Allen pressed for same and shewed the orders from Queen and Councill for the same ; with humble submission thinck they deserve to be dismisst from Councill, and being judges. When the Councill is called, very often butt foure apear. Humbly pray Coll. Winthrop Hilton, Major Jos. Smith, and Mr. Sampson Sheafe may be added to Councill ; persons well affected to Crown Governmtt. In Oct. lastt, by H.E. orders, I wentt into Province Hampshire, called the Councill, [*and*] communicated to them H.M. letter with a new Seal *etc.* I visittt the Militia, finding nothing to be done for H.M. service. I returned to Boston, giving accot. of my proceedings to H.E., whose order and directions shal observe. As to account of state of Province and Fourtt refer to H.E. ; as for Militia, the command in good hands ; as to the Fourtt, in good posture of defence ; the house for lodging souldiers nott finished, I judge 200*l.* would have compleated the same ; the enemy hath made noe attack the last winter and summer, and due care taken for security of Frontiers, ytt has nott bin for many years before, the Province refusing to give me any thing for my support in the Governmtt., though Mr. Partridge had in his time above 800*l.*, wch. desire may be considered. *Signed*, John Usher. *Endorsed*, Recd. Dec. 31, 1706, Read March 28, 1707. *Holograph*. 1 p. [*C.O.* 5, 864. No. 174 ; and 5, 912. pp. 337-340.]

Nov. 19. **1457.** Inhabitants of Newfoundland to the Queen. *Return* thanks for the recall of Lt. Moody, and those under his command, whose debauchery might have been the greatest ill consequence to this Countrey, and for sending new troops under Major Lloyd. And whereas a petition was signed by several of us last spring in favour of Lt. Moody, it plainly appears by affidavits made by most of us of his barbarous treatment to us, that it was ye continuance of his ill-usage obliged us to it. Had he been continued here, most of us had resolved to goe for England. 118 *signatures*. *Annexed*,

1457. i. Commanders of ships trading to Newfoundland to the Principal Secretary of State. The above Address is the voluntary act of the inhabitants *etc.* St. Johns, Oct. 7, 1706. 39 *signatures*. *The whole* 3 pp. [*C.O.* 194, 22. Nos. 54, 54.i. ; and (*without annexed certificate*) 53.]

Nov. 19. **1458.** Sir Robt. Cotton and Sir T. Frankland to Mr. Popple.
Genl. Post Office. We return the Act for erecting a Post Office at Philadelphia, with our remarks thereupon *etc.* *Signed*, R. Cotton, Tho. Frankland. *Endorsed*, Recd. Read Nov. 20, 1705. 1 p. *Enclosed*,

1458. i. *Remarks referred to in preceding.* The preamble, made before the death of his late Majesty, *etc.*, must be altered. The post of every single letter from Europe, the West

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Indies *etc.* being fourpence is too small ; it ought to be at least as much as a letter from London to Dublin, which is sixpence. Enclosures should be taxed. Whereas it is proposed that for each letter from Boston or Road Island to Philadelphia, or from Philadelphia to Boston or Road Island, 18d. be paid, we think the postage ought only to be taken one way, as in this office, where postage is paid only at the receipt of letters, which will also be more conform to the Act of Parliament and in all probability may produce more letters, it being found by experience that where the Post is more easy letters do increase in proportion *etc.* As to the proposal that all letters from Proprietors and Governors should go free, we have by experience found that such a privilege is liable to many abuses. 1 p.

1458. ii. Copy of an Act for erecting a Post Office at Philadelphia.
11 pp. [C.O. 5, 1263. Nos. 46, 46.i. ii.]

Nov. 20.
Jamaica.

1459. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges letters* of June 28th and Aug. 30, with H.M. warrant, and a new Broad Seal, which according to your orders have been produced in Council, and the old Seal broke, which I now send to your Board. By Sir Charles Hedges' letter, April 3, H.M. has been pleased to approve of my proceedings with the Flag of Truce and Coll. Livesay's Officers being sent home, and also of Coll. Edlyne to be made one of the Council. *Encloses the Acts* passed by this Assembly. As to the Quartering Act, I must earnestly desire your Lordships will inspect into it, there being such clauses tact to it as never were before heard of, that part relating to the soldiers being only for a year, and the other for ever, which excludes all Foreigners serving either in civil employments or in the Militia, by which severall Scotch, Dutch and French Gentlemen, who have served in both capacities these 20 years and are as substantiall men as any in the Island, and in my opinion as good subjects to H.M., are made incapable of both services by this Act, which is a great discouragement to Forreigners settling here, and prejudice to this Island, where white people are so much wanted ; and your Lordships may be assured I should never have comply'd in passing it, did not the life of my Regiment depend on it, and I hope your Lordships will so recommend it that H.M. may not give it her Royall Assent. None of those Gentlemen's employments shall be disposed of, till H.M. pleasure is further known in this matter, which I request your Lordships will inform me of. Your Lordships will see by the Minutes now sent to you, what pains the Council and I have taken with the Assembly, and what a headstrong obstinate people I have to deal with ; which you will likewise find by my Speech at their prorogation, and if H.M. will signify her displeasure at their proceedings I doubt not but it will have great effect on them. I am now to acquaint your Lordships of the hardships laid upon my Regiment in relation to their subsistance here, which my Agent writes me word he meets with from the Comptrollers of the Army, which

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I earnestly request your Lordships' favour in removing. I have had severall bills sent me here for money at 40, 80 and 100 days' sight, and if my officers and soldiers can live so long without subsistence, they may as well live 7 years. Some Bills have miscarried, others are not complied with, so that I have been obliged to borrow money here for the payment of my Regiment to the sum of about 4,000*l.*, which money has been paid to my Major, who has paid every officer and soldier their proportion of it; the last sum was 1,338*l.* 14*s.* 0*d.*, which I procured in February last, allowing 15*l.* per cent., when Sir Gilbert Heathcote would allow but 10*l.* p.c., for which money my Major drew Bills on my Agent, not doubting but they would have been comply'd with, but they have not yet been answered, so that I have been obliged here to pay the money myselfe to the merchants I procured it from, for fear any hardships should fall upon the credit of the Treasury; and so far I have to say for myselfe in this matter, that I never toucht one penny of the Regiment's money but what properly belonged to me. Several merchants here, as Coll. Knights and others, are willing to pay 118*l.* Jamaica money for 100*l.* sterling, as long as the Spanish Trade continues, we giving Bills on the Agent payable on sight. I have agreed with Coll. Knight accordingly, who has appointed Mr. Kent, merchant in London, his Correspondent, to wait on my Lord High Treasurer about it. Our men-of-war here being on a cruize on Aug. 19 mett with a violent storm, which did them a great deal of damage, but they are all refitted, and have been at sea again except the *Bristol* that lost her main mast, and she will very soon be supply'd with one. The Island is at present sickly tho' the sickness does not prove so mortall as usual. *Signed*, Tho. Handasyd.

P.S.—H.M.S. *Hector* brought in here on Nov. 18 two French prizes. *Endorsed*, Recd. Jan. 10, Read April 1, 1706. *Holograph*. 3 pp. [*C.O.* 137, 7. No. 18; and 138, 11. pp. 436–440.]

Nov. 20. **1460.** Governor Handasyd to W. Popple. *Acknowledges* letter of July 28. H.M. Proclamation for a Thanksgiving shall be duly complied with, *etc.* *Signed*, Tho. Handasyd. *Endorsed as preceding*. *Addressed*. 1 p. [*C.O.* 137, 7. No. 19; and 138, 11. pp. 441, 442.]

Nov. 20. **1461.** Governor Handasyd to Sir Charles Hedges. *Acknowledges* letters of July 10 and Sept 3, and H.M. Order for sending an account of the Stores, Ordnance, *etc.*, which is impossible to be done by this packet. As to the exchange of the private men of my Regiment, according to H.M. Proclamation, I informed both officer and soldier, and they with myself return most hearty thanks to H.M. for her great care of us, which hath put new life into us all. They pray that H.M. will order us to be relieved at the expiration of six years from our first landing. As to the merchants informing you of the private men being well satisfied in staying, there are not 20 men in my Regiment but would rather be engaged in the most desperate attack that ever was known than stay behind their officers, but if H.M. is pleased to grant this encouragement,

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it will make everything easy both to officer and soldier. *Repeats preceding. Signed, Tho. Handasyd. Endorsed, R. Jan. 11. 2 pp. [C.O. 137, 45. No. 71.]*

Nov. 20.
New York.

1462. Governor Lord Cornbury to the Council of Trade and Plantations. By H.M.S. *Lastoffe* [*Lowestoft*], which arrived here on July 20 last, I had the honour of your Lordships' letters of March 26, 170⁴/₆, and April 20, 1705; in the first of which you are pleased to acknowledge the receipt of two of my letters dated Nov. 6, with the severall papers mentioned to be inclosed, except only the copy of the grant made by King Charles II. of the lands from St. Croix eastward to the Duke of York; I cannot imagine how that copy was mislaid, but I now send another copy, by which you will find that King Charles II.'s grant extends from St. Croix eastwards, to the east side of De la Ware Bay westwards, soe that those lands knowne by the name of the Lower Countys, (which lye on the west side of De la Ware Bay, and of which the Duke of York granted a lease to Mr. Penn) is not contained in the grant from the King to the Duke, I doe not know of any other grant from King Charles II. to the Duke of York but this, and I doe not hear of any grant made by King James, after he came to the Crowne, of those lands to any person whomsoever, therefore I conceive those lands are in the Queen to dispose of as she pleases. I am glad you are pleased to approve of the choice I have made of Mr. Mompesson to be Chief Justice; I hope he will discharge his duty to satisfaction. I rejoyce extreemly to find that your Lordships approve of my proceedings with relation to the Assembly, who continue still in the same obstinate way, as you will perceive by the Bill which I now send you, and by their Journal, which I likewise send. The Bill was for raising 1,700*l.* for the defence of the frontiers, and they inserted the same clauses in that Bill which had oblig'd me to reject the money-bill prepared by the last Assembly; the Councill made the same kind of amendments as they had done to the former Bill, and the Assembly made the same answer as the last Assembly had done, soe seeing they would not hear any manner of reason concerning that matter, I adjourned them to Sept. 12, but the Members not being come to towne, the House did not sit till Sept. 26, at which time I recommended to them the providing for the defence of the frontiers, but they thought fit to proceed as they had done before, I herewith send your Lordships the copy of another money-bill, where they have inserted the same clauses as before, only in this they grant the money to the Queen, but not to her heirs and successors, which is directly contrary to H.M. Instructions to me. I likewise send you the reasons offered by the Gentlemen of H.M. Councill, at a Conference with the House of Representatives, against some clauses in the Bill; and the answer of the General Assembly. Those innovations the Assembly now aims at are carried on by the same 3 men I mentioned to you in my letter of July 8 last. As for what relates to stores of warr, I sent by the Virginia Fleet an account of all the stores of warr expended since my coming to this Government, to my Lord Duke of Marlborough, and another to your Lordships; if that method is not

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approved of I will observe such other method as you shall please to direct, and for the future they shall be sent half-yearly, according to H.M. commands, or oftener if any conveyance offers. As for the consumption of powder, there has been noe other occasion since I came hither than the salutes to vessels coming in and going out, who salute the Fort, the Queen's happy acceesion to the Throne, H.M. birthday and Gunpowder Treason are days on which we fire guns, and the usage here has been hitherto, to salute the Governor at his return from Albany or elsewhere, but this last I have taken off, if you are pleased to order any other salutes to be forborn, I shall obey your commands, another occasion of consumption of powder since I came was this, Capt. Rogers, Commander of H.M.S. *Jersey*, having received orders to goe to the Island of Jamaica, wanted powder, and there was then none to be bought in this towne, soe he applyd to me for some powder, alledging he could not sail without he were supplyd with powder, soe upon that exigency I did let him have out of the stores 20 barrills of powder; if I had not supplyd him, he must have gone without it, I hope this will not be thought a fault. I shall not fail to move the Assembly at their next Meeting to raise a fund for the providing of millitary stores, etc. If I had found the small arms here in the condition I ought to have done, I should not have desired any new supply, but I found them all out of repair. How far the Respits will bear the charge of recruits I can't tell, because I don't know what the charge of raising men in England will be: I will likewise obey your commands in acquainting the Assembly that they must repay the charge of 50 barrills of powder to H.M. Office of Ordnance in England, and as soon as I receive H.M. directions for remitting the vallue of the said powder, I shall punctually obey. I had not desired presents for the Indians, did I not know that it is impossible to keep the Indians steady without presents, I wish that may doe. I thank your Lordships for the Representation you have made about a man of war for this place, if I durst have writ for two I should have done it, for it is certain a fifth rate and a sixth rate will suit this Government much better than a fourth rate. As for the matter of Bayard and Hutchins, I did send your Lordships an Act of Assembly by the Virginia fleet, which I hope will answer the intent. I have received the copy of Capt. Nanfan's Petition, I have considered it well and I doe confesse I have not seen anything like it before, I have inquired dilligently into the severall things which that Gentleman sees fit to make causes of complaint. The first is that the next day after he had adjusted matters with his creditors, he had private notice that Mr. Matthews and others had entred actions against him to a considerable value, with intent, as he conceives, to make him end his life in prison, he being then reduced to a very low estate of health, by the former hardships he had suffered, and from which he is not perfectly yet recovered. Now to satisfie you upon this point, I send you a certificate under the hand of the Town Clerk of New York, by which your Lordships will see what actions were entred against him, by whom and for what. As to that part of this complaint relating to the hardships he has

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suffered, he has never been one minute in prison since I came into this Province, but that you may be satisfied as fully as may be in that part likewise, I send an affidavit made by the Sheriff who had him in custody, by which your Lordships will see, what the hardships are which he has undergone, the truth of that affidavit is known to everybody here, he was soe well used by that Sheriff that to my knowledge he has been severall days at a time upon Long Island which is out of the Bailywicke of New York. As for his being deprived of his vouchers, I am sorry a Gentleman will offer to say any such thing, for he knows very well he might have had all his things away with him if he had pleased. In order to obey your Lordships' orders, in giving such directions as may be fit, that noe person whatsoever may in any manner hinder his correspondents from transmitting over to England the vouchers of his accounts which he would referr to, I have sent for those persons whom I have alwayes observed to be the persons he trusted most, namely Mr. Walters, Mr. Abraham Gouverneur, and Mr. De Reimer, I asked them if they had any of Capt. Nanfan's papers or vouchers in their hands, and if they had any orders from Capt. Nanfan to transmit them to England. They severally made answer that they had noe papers belonging to Capt. Nanfan in their hands, only Mr. Gouverneur said he had an old blotted book in his hands, but that he had noe orders to send it, nor could it be of any use to Capt. Nanfan if he did send it; Mr. Walters indeed said that he was bound for Capt. Nanfan in a considerable sum of money to one Theobalds, a merchant in this city, to facilitate his going for England, that Capt. Nanfan gave him bills of exchange for that money, upon his Lady in Barbadoes, that he had sent those bills to Barbados, and that Mrs. Nanfan returned for answer that her husband had ordered her not to pay those bills; Mr. Walters farther said that at this very time he is sued by Theobalds for that money; I asked these Gentlemen if they knew any body else here, in whose hands he might probably leave any papers, they said they knew not anybody that he had left any thing with; if any correspondent of Capt. Nanfan's comes to me for assistance, he shall certainly have it, to the utmost of my power; but I am apt to believe that Capt. Nanfan will be pusled to find vouchers to his accounts; I am sure it was so when he was here; however, I hope your Lordships will not think fit that the 1,500*l.* he mentions to be in Mr. Thrale's hands should be paid to him, till his accounts are stated, because I believe he will appear to be debtor more then the 1,700*l.* he demands, upon the balance of the account. I have received the Acts of Parliament you are pleased to mention, and have caused them to be published in every County of the Provinces of New York and New Jersey, and I will take care to pursue the directions of them upon all occasions. I have likewise received H.M. letter, directing the accounts I am to send of the publick stores, which I will be sure to obey. I did intend to have sent one account by this conveyance, but I could not get the account of the stores from Albany time enough, but if it please God I live till spring, I will send such an account as I hope may be satisfactory. Thus I hope I have answered your Lordships' letter of March 26,

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170 $\frac{1}{2}$, that of April 20, which relates to New Jersey, I shall answer by another letter. The Assembly which was sitting at the time when I wrote last, did pass several Bills:—(1) *for the better explaining and the more effectually putting in execution an Act for settling a Ministry*; (2) *for continuing and enforcing a Post Office*; (3) *to prevent the running away of negro slaves out of the County of Albany to the French at Canada*; (4) *to enable the Justices of the Peace for the City and County of Albany to raise 100*l.* for the repairing a common gaol, and City and County Hall*; (5) *for the preservation of deer*; (6) *for reviving and continuing an Act for regulating slaves*; (7) *for an allowance to the Burgesses of West Chester*; (8) *for continuing an Act for laying out, regulating and clearing common highways in this Colony*; (9) *to enable William Bradford of the city of New York, Printer, to sell and dispose of the real estate of John Dewsbery, decd., for the payments of debts*; (10) *declaring the illegality of the proceedings against Col. Nicholas Bayard and Alderman John Hutchins for pretended high treason, and for reversing the said judgment and all proceedings thereon*. These ten Acts are all that could be passed that Sessions; I earnestly entreat your Lordships to recommend the first Act to H.M. for her royal confirmation; it is an Act that will make the Ministers in the country very easy, whereas hitherto they have been very uneasy, because their maintenance was so precarious, which by this Bill is made more certain. The second is an Act of absolute necessity, for without it the post to Boston and Philadelphia will be lost. The third is an Act become necessary by some of their negroes lately running away into Canada. The fourth is so necessary that their gaol, City and County Hall are tumbling down. The fifth was passed at the request of most of the best people of Long Island, and I think it is reasonable. The sixth is what the country have found benefit by and therefore are desirous it should be continued. The seventh is no more than what the other Members are allowed, and therefore I cannot but think it reasonable. The eighth is a very necessary Act, the Commissioners appointed by the former Act not being able to finish the work in the time. The ninth is a private Act for the sale of the estate of one Dewsbery, I can offer no better reasons for the passing that Act, than those contained in it, which I hope will appear sufficient. The tenth will likewise speak for itself. I did acquaint Col. Bayard what the Queen's pleasure was, and he chose rather to do it by this Act than to give security, I hope it will answer Mr. Attorney General's objections to the former Bill, therefore I hope H.M. will be graciously pleased to confirm all the above mentioned Acts. I have received the Commission for the trial of pyrates (April 20, 1705), which I will take care to pursue upon all occasions, and will give you an account of all proceedings from time to time in that affair. *Signed, Cornbury. Endorsed, Recd. Feb. 1, Read April 4, 1706. Holograph. 5 pp. Enclosed,*

1462. i. Speech of Governor Lord Cornbury to the Assembly of New York. The season being so far advanced, I shall not trouble you at this time with anything but what I

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thinck of absolute necessity to be provided for, that is the defence of the Frontiers, 100 Fuziliers and 50 outscouts will be necessary for yt. service. I hope you will prepare such a bill for ye raising a summe sufficient to answer that charge, as I may give my assent to it without breaking my Instructions, *etc.* I had almost forgott to put you in mind for ye sea expedition this last summer, which I think ought to be discharged, several debts having been contracted upon that service. *Endorsed*, Recd. Feb. 1, 170⁵. *Copy.* 1 p.

1462. ii. Copy of reasons offered by the Council of New York to the Assembly against some clauses in a Bill for raising money for the defence of the Frontier. (1) The money is granted to H.M. only, and not to her heirs and successors, contrary to the Governor's Instructions. (2) It is provided that the Treasurer shall give security to H.M. to be accountable to the Assembly, which is contrary to H.M. Instructions. (3) It is provided that a certificate under the hand of the Col. or Capt. in the precinct where any man shall be detachd, and a certificate from ye Mayor and Aldermen of Albany, or ye major part of them, shall be a sufficient authority to ye Treasurer to pay; which is also contrary to H.M. Instructions. *Same endorsement.* 1¹/₄ pp.
1462. iii. Reply of the Assembly to *preceding*. The Assembly cannot receive ye message this day sent from the Council but with ye greatest surprise imaginable, they having often been acquainted with ye constant resolution of this House relating to amendments to money Bills, *etc.* (Cf. July 8.) *Same endorsement.* 1 p.
1462. iv. The Council's Amendments to the *above* Bill. *Same endorsement.* 2 pp.
1462. v. The answer of the Assembly to the Council's objections, *No. ii.* (1) The Assembly have hardly ever so much as named, in any of their Acts for money for the defence of the Frontiers, H.M. or her heirs, *etc.*, yet having directed the uses of the money raised agreeable to ye main scope and meaning of H.M. Instructions, they have passed with the Governors and many of them been confirmed by the Crown. (2) This clause is not restrictive, but that the Treasurer may also be accountable to H.M. *etc.* (3) It is natural to conclude that it is H.M. intent that the Assembly should be duly informed that the moneys granted should be applied to the uses for which it is appointed. The Instructions have been generally taken as a restriction on ye Governor not to dispose of any public moneys allotted for ye general support of ye Governmt. without the approbation of the Council, *etc.* *In general*, (a) The Assembly have experienced such an uninterrupted animosity and misunderstanding between the several Governors and all the Receivers appointed immediately by the Crown, that none of 'em have as yet

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been able to avoid a suspicion, which having hitherto been succeeded by a totall exclusion, all possibility of rendring any acct. to, or viewing or examining any acct. by Assembly has been illuded, and the disposition of all publique monys left in the dark. (b) The several Receivers loosing their offices, and being strangers in those parts, their removall from hence (without return) has been a necessary consequence, and is one principal reason that the Assembly is wholly excluded from all manner of knowledge of ye rise and fall of ye severall branches of ye usuall revenues, the application of that or any extraordinary taxes, and all other matters that may give satisfactory insight into ye raising and paying of moneys. (c) Tho' considerable sums have been raised and duely paid in for the defence of Albany and ye frontiers, which is a common barrier and bullwork not only to this and the adjacent Colonies, but also for the preservation of Virginia and Maryland (valuable jewels to the Crown), which will be in inevitable danger of being lost, should Albany and the Indians there fall into the hands of ye French, yet it appears that severall hundred pounds raised for that end has not so much as been pretended to be applied to that use, but considerable sums pretended to have been paid to men for the defence long before they had any being there or were concerned in the service. Other valuable sums are charged to have been paid for the accommodation of detached soldiers, which are as yet due and unpaid, and many of the pretended detached fuzileers were never there on duty. (d) H.M. Letter having directed the Assembly to raise money not only as ample but also as effectual as may be to ye Common Defence, they earnestly desire your Honours' concurrence to this Bill. *Same endorsement. Copy. 2½ pp.*

1462. vi. Governor Lord Cornbury to the Assembly of New York. I send for you at this time because I intend to put an end to this Sessions. I did appoint this Sessions for noe other purpose, but that you might have an opportunity before the winter to make effectually provision for the defence of the Frontiers, wch. the sourness of some of the Members of your House hindred the doing of in the summer's sessions, and I did well hope, that since H.M. commands to me had been communicated to you by the Council, that you would have met in better temper. I am sorry I have been mistaken in my expectation, because the Country may suffer by it. I hope noe accident may happen, but if there does, I take the world to witness it must lye at your doors, and noe-where else, because you have offered me such a bill as you well know I could not assent to without breaking the Queen's commands, which I will never doe, if the Queen had made use in her Instructions of any dubious or ambitious [*? ambiguous*] words, by the interpretation

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of which I might have had it in my power to gratify you, I should readily have done it, but the commands of her most sacred Majesty the Queen are positive and in very plain, express words, which will by noe means admitt of the construction you have thought fitt to put upon them. In the answer you make to the reasons offered by H.M. Councill at a conference, you say that by H.M. Instruction to the Governor it's natural to conclude, *etc.* (*see preceding, No. iii*). I must and doe affirm that you never have been denied the sight and perusal of any publick account when you have desired it, and I doe affirm I never have disposed of any publick moneys without the advice of H.M. Council since I came into the Province. *As to (c)*, these I must look upon only as immagination, without any reality, or if these mistakes have really been committed, that you are not desirous to have them redressed, for if you had, you would have applied to me and informed me of them, that they might have been redressed, and the like prevented for the future, but that you have never done yet, these things I thought fitt to observe to you, that the world may not be led into mistakes by the false representations which some people have whispered about. I can't help takeing notice to you that the Gentlemen who readily gave the Government credit for many things necessary for the sea expedition last summer, think themselves hardly used, when they see the Assembly takes noe care to provide for the paying the charges of that expedition, though it is well known it was encouraged by severall members of the Assembly. I doe think fitt to prorogue this Assembly to May 1st. *Same endorsement. Copy. 2½ pp.*

1462. vii. Governor Lord Cornbury to the Assembly of New York. The occasion of my requiring your attendance at this time is to acquaint you that, upon a French Privateer's coming upon this coast, and even to the very mouth of the Harbour, the Councill were of opinion with me that all proper ways and means ought to be used to take, destroy or drive away the said Privateer, in order to the effecting whereof I did order severall vessells to be fitted for that service, but the people being generally unwilling to goe upon that service without some encouragement, I was advised to issue a proclamation promising a reward of 2,500 pieces of eight, to be divided among all such persons as should voluntarily engage in that service, provided the said privateer were taken or otherwise destroyed, the vessells were manned with abt. 350 men, were victualled for ten days and sayl'd to the Horekills in search of the Privateer, but had not the good fortune to meet with him ; the revenue being so low that it will not answer the necessary charges of the Government, is entirely unable to defray this necessary charge. I therefore thought it proper to acquaint you

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with it, and to lay before you an accot. of wt. this expedition has amounted to, which I have in my hand, and I leave it to you to consider whether it will not be reasonable that some reward be given to the officers and men imploy'd. *Communicates and recommends the Act to encourage the importing of Naval Stores, etc.*, with H.M. recommendations to them to pass such Acts as may make the said Act of Parliament most usefull and effectuall. *Communicates the Acts prohibiting trade with France and to prevent traiterous correspondence, etc.* I am further commanded by H.M. to move this Assembly to raise a fund for the purchase of Military Stores, and for the supplying other uses as the defence of the Province may require. I hope you will comply with H.M. expectations, that the Government may be in a condition to defend itself agt. any insult of the enemy. I have lately received a letter from the Council of Trade in which they express themselves thus: "We conceive no reason why the Council should not have right to amend any bills sent to them by the Assembly, even those relating to money." This I hope will put an end to the difference wch. has arisen of late between this Board and the House of Representatives. If you are desirous to have a copy of the whole clause in the letter, you shall have it. *Same endorsement. Copy. 1½ pp.*

1462. viii. Copy of a Bill for raising a sum to answer the charge of *fuziliers and outscouts for the defence of the frontiers, etc.*, Oct. 3, 1705. *Referred to supra. Same endorsement. 13 pp.* [C.O. 5, 1049. Nos. 9, 9.i.-viii.; and (without enclosures), 5, 1120. pp. 427-434; and (duplicate of No. vii.), 5, 3. No. 25; and 5, 1084. No. 29.]

Nov. 20. **1463.** W. Popple, jr., to Mr. Penn. The Council of Trade
Whitehall. and Plantations intending to report with all speed upon the Laws of Pennsylvania, desire you to certify to them, under your hand, which and how many you did actually pass in person and sign during your stay in Pennsylvania. [C.O. 5, 1291. p. 232.]

Nov. 21. **1464.** W. Popple, jr., to Paul Docminique. The Council
of Trade and Plantations enclose extract of letter from Lord Cornbury, Feb. 19, relating to Mr. Morris, and desire to speak with you. [C.O. 5, 994.A. pp. 252, 253.]

Nov. 21. **1465.** Council of Trade and Plantations to the Queen.
Whitehall. *Recommend* H.M. to confirm Col. Richard Townley, Daniel Cox, and Roger Mompesson, Members of Council of New Jersey, as appointed by Lord Cornbury. [C.O. 5, 994.A. pp. 253, 254.]

Nov. 21. **1466.** Mr. Penn to the Council of Trade and Plantations.
Honorable Friends, This comes to assure you that all the Laws past in Pennsylvania in ye yeares 1700 and 1701 were past by me whilst there, and I have no ground upon second thoughts to say

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otherwise. I am your assured friend, *Signed*, Wm. Penn.
Endorsed, Recd. Read Nov. 22, 1705. *Addressed. Sealed.*
Holograph. 1 p. [C.O. 5, 1263. No. 47; and 5, 1291. p. 234.]

Nov. 21.
 St. Johns,
 Newfoundland.

1467. Major Lloyd to the Council of Trade and Plantations. At my arrivall, I found wanting in the Company 28 private sentenells and one drummer, ye provisions of which since their death I could have noc acct. from Mr. Moody of. Your Lordships are very sencable how much the soldiers have already suffered, their subsistance being stopped this present year to make good former acct. Should another charge come upon them by means of Mr. Moody's having disposed of that provision, which ought to make good and answer the respitts, it cant be immagined they will be able to live without any pay. *Proposes* that Mr. Moody be made responsible for the respitts, etc. *Refers* to Mr. Roope now going for England. *Signed*, Tho. Lloyd.
Endorsed, Recd. Read Jan. 10, 1706. 1 p. [C.O. 194, 3. No. 85; and 195, 4. pp. 70-72.]

[Nov. 21.]

1468. J. Bentham to the Council of Trade and Plantations. Prays that he may have an account of the personal estate of Edmund Mott, who went Chaplain to Lord Cornbury, and died in petitioner's debt at New York, 1704. *Signed*, Joseph Bentham.
Endorsed, Recd. Read Nov. 21, 1705. 1 p. [C.O. 5, 1048. No. 124; and 5, 1120. pp. 346, 347.]

Nov. 21.
 Whitehall.

1469. W. Popple, jr., to Mr. Penn. *Encloses* observations of the Postmaster General. [Nov. 19.] [C.O. 5, 1291. p. 233.]

Nov. 22.
 New York.

1470. Governor Lord Cornbury to Sir Ch. Hedges. *Acknowledges* Instructions of April 20. I am satisfied the Gentlemen of H.M. Councill will doe anything in their power (*to promote the trade in naval stores*), and I hope the Assembly may be prevailed with to doe their part too, etc. *Recounts* proceedings of the Assemblies of New York and New Jersey. See Nov. 20, etc. *Signed*, Cornbury. *Endorsed*, R. Feb. 2. *Holograph.* 4 pp. *Enclosed*,
 1470. i. Journal of Assembly of New York, Sept. 19-Oct. 13, 1705. *Same endorsement.* 17 pp.
 1470. ii.-iii. Duplicates of Nos. 1462.ii., viii.
 1470. iv. Copy of Bill for raising 1,700*l.* for the defence of the frontiers, July 3, 1705. [C.O. 5, 1084. Nos. 31, 31.i.-iv.]

Nov. 23.
 Whitehall.

1471. Sir C. Hedges to the Council of Trade and Plantations. H.M. refers following to the Board for their opinion. *Signed*, C. Hedges. *Enclosed*,
 1471. i. Assembly of Bermuda to the Queen. Pray that the records of Mr. Jones' conviction may be reviewed, previous copies having miscarried by means of the enemy, whereby we humbly conceive H.M. will find sufficient reason to order Edward Jones to be discharged from his office of Secretary and Provost Marshall, etc.

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Signed, Francis Jones, Speaker, Saml. Browne, Michael Borro[*ws*], Tho. Burton, Saml. Sherlock, Richd. Gilbert, Richd. Appowen, Saml. Smith, Nathanael Bethel, John Trimmingham, Henry Tucker, Henry Tucker (? *jr.*), George Lecroft, Dll. Johnson, Dll. Tucker, William Stone, John Peasley, Rowland Greatbeatch, John Dickinson, Danll. Scroggham, Thomas Attwood. *Endorsed*, Recd. Nov. 28, 1705. Read Feb. 4, 170 $\frac{5}{6}$. 1 p. [*C.O.* 37, 7. Nos. 11, 11.i.; and 37, 26. Nos. 15, 15.i.; and 38, 6. pp. 143-145.]

Nov. 24. **1472.** Mr. Campbell to Sir Charles Hedges. They write from St. John's in Newfoundland, Sept. 17, that since their last of ye 5th ditto, the French and Indians have ruind what remain'd of the English settlements to the northward, and barbarously murdered many of the inhabitants in cold blood after quarters given, particularly 9 persons in Trinity Bay, and 9 men, a boy and a girl att Bonavista. They have putt Bonavista under contribution and carried some of the people from thence to Placentia as hostages for a ransome of 1,000*l.* sterl. besides 400*l.* which the enemy rais'd there in May last. Amongst these carried away is my Factor at Bonavista, from whence also they took a ship belonging to me solely. About Sept. 12, the enemy caried off six English prisoners within a myle of Fort William at St. John's. 250 families of French Indians aryved from Canada at Placentia last summer. The two English men of warr at St. Johns were still there, but resolved to leave that land, on Oct. 1st last. They had then no advice from England. *Signed*, Ja. Campbell. *Endorsed*, R. Nov. 25, 1705. *Addressed. Sealed.* 1 p. [*C.O.* 194, 22. No. 55.]

Nov. 24. **1473.** Notes of a voyage from Havana [*? by F. Farnandos*]. Sailed Feb. 14, 1704 (? 5), in company with the Admiral and 4 other ships, which the Spaniards owned to be worth 78 millions, besides 2 others worth 20 mill. 1 p.

1473. i. Fr. Farnandoe (? *Fernandos*) to Sir Charles [*? Hedges*]. Nov. 24, 1705. Since I find yt in what I have proposed I cannot be serviceable to my nation, I hope I may have leave to go to Jamaica by a ship sailing in 15 days' time. *Signed*, Francis Farnandoe. *Endorsed*, R. Nov. 24. $\frac{1}{2}$ p. [*C.O.* 137, 45. Nos. 72, 72.i.]

Nov. 26. **1474.** W. Popple, jr., to P. Doeminiue. Desires an answer
Whitehall. to letter of Nov. 21. [*C.O.* 5, 994.A. pp. 254, 255.]

Nov. 26. **1475.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. *Acknowledges* letter of April 18, 1705. This I have obeyd by sending copys of the charges [*against Connecticut and Rhode Island*] by an express to the respective Governors' own hands, but I have yet noe answers. *To prove the charges* (*see Feb. 12*). (1) That the people of Connecticut carry on an illegal trade with the east end of Long Island is known to everybody here,

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and appears by the condemnation of a sloop belonging to Connecticut, named the *Rachell*. That they encourage piracy appears by the depositions of Orchard and Hicks. (2) They harbour pirates. Some time before I received these articles, I was informed that two of Avery's crew were settled in Connecticut, I asked the person who told me of it if he could make oath of it, he said noe, but that he would inform himself better and would give me a farther account, he did goe into Connecticut on purpose, but is not yet returned, soe I can not send any affidavit upon that article. (3) This will appear by the affidavit of Capt. Mathews. (4) *Refers to reports of former Governors.* I have writ twice to Col. Winthrop to demand the quota, but all the answer I could get from Connecticut is that they could not comply with my demands till they had apply'd to the Queen, and from Rhode Island, that they are poor, and that they are at soe great charges for the putting their Island in a posture of defence, that they cannot raise that sum. This is a truth, which if they will deny, I will make oath of whenever your Lordships will please to command me. (5) This will be pretty plainly proved by the affidavits of one Auboineau, a merchant of this city, and Richard Sacket, a brewer of this city, who have both suffered sufficiently and very lately by their denyall of Justice, etc. (6) I refer to their Books of Laws, which I herewith send, etc. How farr they are by their Charter impowered to make Capitall laws, your Lordships will be best informed by looking into their Charter. That they are arbitrary and unjust will appear by the oath of Auboineau. (7) I refer to the first Law in their Book, and likewise to a paper intituled, A County Court holden at New London, Sept. 20, 1698, towards the bottom of the page you will find this clause, "It is agreed by Plaintiffs and Defendants that the Laws of England shall be pleaded and made use of in this case, and it is allowed of by this Court," etc. This paper is under the seale of the Province of Connecticut. (8) Referr to the case of Major Palmes, who is now going into England to make his complaint, and to the oath of James Fitch and Samuell Mason, which is attested under the seal of Rhode Island. (9) *Refers to reports of former Governors.* As for my time, two years agoe Col. Winthrop, who was then and now is Governor of Connecticut, came to make me a visit, I then took opportunity to tell him that I would goe into Connecticut and publish my Commission for the command of their Militia, and my Commission to be Vice-Admirall, he told me whenever I would come into Connecticut, I should be welcome, but they would not part with their Militia. *Refers to their Book of Laws.* The last Article is for making a Law against all Religions but their own. This appears very plainly by their Law, p. 29, under the head Ecclesiasticall. That that Law has been put in practice appears by the commitment of John Pearce, Daniel Pearce and John Mosse, certified under the seale of Rhode Island. Thus I have endeavoured to answer H.M. commands. I should have been able to have done it better, had not some of the Magistrates of Connecticut frightned severall people from coming over to me to Long Island, who would have been able, and willing to give very full evidence upon severall

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of the Articles, but now durst not, I hope I shall find a time more favourable to get their depositions, and if I doe, I will not fail to transmit them. In the mean time, give me leave to observe that the first Law in their Book abrogates all the Laws of England at once. I recommend to your perusall a Law of theirs under the head of Divorce, and likewise I intreat you to consider the oath of a Grand Jury Man, *etc.* Signed, Cornbury. *Endorsed*, Recd. Feb. 1, Read April 4, 1706. *Holograph*. 3 pp. *Enclosed*,

1475. i. Gov. Cranston's Certificate that the following evidence was sworn before him. Oct. 10, 1705. *Signed*, Samll. Cranston. 1 p.

1475. ii. *Duplicate of Nov.* 2. xlviii.

1475. iii. Copy of proceedings of the General Court of Connecticut, Hartford, Oct. 10, 1700. Mr. Gurdon Saltonstall, Plf. v. Edward Palmes, Lt. James Avery, and St. John Morgan for slander. Defendants deny jurisdiction of Court. Plaintiff ought to lay his action at Common Law and not to bring it to this Court by petition. The Court overruled that plea. Defendants then pleaded that their remonstrance regarding Saltonstall was a complaint to authority. The Court overruled them, and they then pleaded that what they said was no slander, but true, and demanded a trial by jury. *Signed*, Edward Palmes, James Avery. *Note* by Palmes. Eleazer Kimberley, Secretary, when copies of above pleas, delivered to the Assembly, Oct. 10, 1701, were demanded, Sept. 28, 1705, said they were not to be found in the Office of Record of the General Court. 2 pp.

1475. iv. James Fitch to Mr. Saltonstall. July 28, 1701. You told me the town had voted you a salary of 70*l.* and that if they could not get money they must pay double in pay, *etc.* *Copy*. 1 p.

1475. v. Deposition of James Fitch, jr., July 28, 1701. Capt. Witherell owned the vote was 70*l.* in money. *Copy*. 1 p.

1475. vi. Copies of two Acts of Connecticut, (1) declaring that it is only in the power of such townships to whom a grant is made to purchase lands of the Indians, and all other purchases are illegal; (2) repealing the Law of Forceable Entry. 1 p.

1475. vii. Copy of Mittimus, signed by Daniel Wetherell and Richard Christopros (? *phers*), addressed to Jeremiah Chapman, gaol keeper, to keep in custody till the General Court in Nov., John Pearce and John Mees, of Prudence [? *Providence*] Island in the Government of Rhode Island, who were taken up at the house of William Stoutes in New London with several others attending on a Church administration distinct from and in opposition to that which is pobbeleckly observed by the approved minister of the place. They confessed that they did there preach, and did dip a man the same day, *etc.* Sept. 25, 1704. 1 p.

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1475. viii. List of following documents and certificate that they are genuine copies. *Signed*, Eleazar Kimberly. Sept. 28, 1705. $\frac{3}{4}$ p.
1475. ix. Copy of agreement between Sir H. Ashhurst and Wm. Wharton as to the date of the prosecution of an Appeal to H.M. in Council. Sept 14, 1704. 1 p.
1475. x. Copy of Judgment of the County Court, New London, March 26, 1691, in the case Gurdon Saltonstall v. John Winthrop, Major Edward Palmes and Alice Liveen, executors of John Liveen; claim for part of the estate bequeathed to the use of the Ministry of New London. Verdict for Plaintiff. 3 pp.
1475. xi. Copy of the judgment of the County Court, New London, Sept. 20, 1698. Edward Palmes and John Hallam are non-suited under the English statute of limitations in an action v. John Winthrop, Richard Christophers, and Samuel Fosdick, for seizing and holding the *Liveen* and her cargo. Sept. 22, 1691. Mr. Saltonstall appears for defendants. Appeal to the Court of Assistants refused. *Endorsed*, Recd. Feb. 1st, 1705. $1\frac{1}{4}$ pp.
1475. xii. List of following documents and certificate that they are genuine copies. *Signed*, Eleazar Kimberly. Sept. 29, 1705. 1 p.
1475. xiii. Copy of Judgement of the General Court, Hartford, Oct. 10, 1700. Major Edward Palmes, Lt. James Avery and Lieut. John Morgan v. Gurdon Saltonstall. Saltonstall is acquitted of the charges brought against him, and the votes of New London for the settlement of his salary approved as agreeable to the Laws of this Colony. 1 p.
1475. xiv. Copy of testimony of Samuel Mason, Assistant. Mr. Noyes told me the paper of complaints of Major Palmes was not in Court, but that the Elders had it at New London, and that it was in Mr. Steers his writeing. 1 p.
1475. xv. Copy of Certificate by Richard Christophers that Gurdon Saltonstall, Minister of New London, hath given the town credit in his account with them respecting his yearly salary *for various sums*. 1 p.
1475. xvi. Copy of Petition of Gurdon Saltonstall to the General Assembly at Hartford, Oct. 10, 1700, that cognizance may be taken of the slanderous remonstrance against him presented by Major Palmes, *etc.* to both Houses in May. 1 p.
1475. xvii. Copy of citation of Major Palmes, Lt. Avery and Lt. Morgan to appear and respond to above. New London, Sept. 16, 1700. *Signed*, Daniel Wetherell, Assist. $1\frac{1}{4}$ pp.
1475. xviii. Mr. Saltonstall to the House of Representatives of Connecticut. Oct. 10, 1700. Reasons for hearing his above petition. *Copy*. 1 p. Nos. xii.-xviii. *endorsed*, Recd. Feb. 1, 1705.
1475. xix. Deposition of R. Orchard, of Boston, Hatter, aged 70. New York, Sept. 5, 1705. In March, 1699, bound to New York from Boston to buy beaver, the wind proving

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contrary they put into Connecticut, where they were informed that there was a ship lay off of Long Island, wh. sold very good pennyworths, and it being thought that she was an interloper come from Scotland, the Master went on board, and being returned said he believed she was a pirate. Deponent being told there was not a J.P. within 15 miles, posted away to Rhode Island and informed the Governor there then in Court, and that there was a sloop which had loaded from her coming round for that Island. The Depy. Collector found it so and seized several goods. In the mean time the Governor in Court ordered a Constable to sieze Deponent and told him he was a prisoner, and that since he had informed against several of the neighbourhood as trading with Pirates, he must enter into bond to prosecute them. His own bond for 100*l.* sterl. was taken. After which Deponent said that as he had informed ye Govermt. of Rhode Island, so he would also go and informe ye Govermt. of Boston, having heard that a sloop was gone from ye said ship to yt. place, whereupon the Governor in Court demanded his money. Deponent remonstrated, as being obliged to enter into bond to prosecute and at the same time being rendered incapable of doing so. But he was forced to deliver his money, wh. they keep to this day, nor would they ever suffer any prosecution to go on according to the sd. information. The Governor then refused to lend him 20*s.* to proceed to Boston on the King's service, and Dept. was informed that one Bennet, who was one of those charged with trading with the pirate, had threatened to knock him on the head. He got away next morning about break of day towards Boston, and informed the Government of the same matter, wh. was so far from taking any notice thereof, that they imprisoned him for 2½ years. *Signed, Robert Orchard. Endorsed as preceding. 2 pp.*

1475. xx. Deposition of M. Hicks, N. York, Sept. 8, 1705. Daniel Dowley and Peter Brock, of Rhode Island having been in ye East Indies on board the *Mocha* frigate, Dowley died soon after his return, leaving in Brock's hands several sums of money to be delivered to deponent, who was being tried in England for being on board the *Mocha*. Returning to Rhode Island, Deponent has not been able to get this money from him, nor justice against him. It is notoriously known that Brock was on board the *Mocha* and in her guilty of piracy. *Signed, Mich. Hicks. Endorsed as preceding. 1 p.*
1475. xxi. Deposition of R. Sackett, Brewer, of New York, Nov. 28, 1705. In Sept. last he took out a writ in Connecticut against Caleb Beek, who was then at Mr. Clarke's house. Clarke refused to allow the writ to be served. At the General Court at Newhaven deponent could get no redress against Clarke. At the

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same Court, Deponent, pursuant to a warrant from Lord Cornbury, demanded of the Governor and Council several deserters from the Fort at New York. They denied them, and said there were severall travellers up and down and they should have enough to do to examine everyone that travailed. Afterwards at Fairfield, by virtue of the said warrant, he demanded of Nathan. Gold and his associate Justices at a Court there Edward Fitzgerald, which belonged to the Fort at New York, but they denied him, unless he would give them his bond to indemnifie the Colony. He said, let them deny his warrant, as they would answer the contrary ; upon which they asked Gerald if he was willing to go to the Garrison of New York againe, who answered Yes, with all his heart, upon which they answered, if he was willing they could not keep him, but some persons standing about the Court declared that if he had not been willing, he should not returne to Yorke. *Signed*, Richd. Sackett. *Same endorsement.* 1½ pp.

1475. xxii. Deposition of Capt. Mathews. After capturing two deserters under Lord Bellomont's warrant with the aid of John Desborough near Fairfield, Nov. 1700, I was stopped at Stanford on my way back to New York by a man who called out of a window that he would stop me for travelling on the Sabbath Day. Major Selleck the J.P. was sent for from the Meeting. He kept me in the Inn till evening under a guard, whilst one of my prisoners escaped. Major Selleck had given them money. *Signed*, Peter Mathews. *Same endorsement.* 3 pp.

1475. xxiii. Deposition of Edward Palmes, Sept. 14, 1705. The Government of Connecticut protected Cols. Whaley, Goffe, and Dixwell, living at Newhaven, persons excepted from pardon in the Act of Parliament of Charles II. In 1683, one Roode, after being tricked into a confession of incest, was executed for the same, without any law then in being for the same. In 1678, John Stother, a boy of 16, was executed at Hartford for murdering Thomas Boll's wife and two children. In 1684, Daniell Mathews, tailor, was condemned for rape in Connecticut. He escaped into Narragansett, whence the Government of Connecticut got him into Connecticut again and put him to death. *Signed*, Edward Palmes. *Same endorsement.* 2½ pp.

1475. xxiv. Testimony of James and Edmund Lewis, Carpenters, of Stratford. On Nov. 14, 1704, he viewed the goal at Fairfield, and found it so insufficient that he could pull the clubboards off with his hands. Robert Lord told the goal-keeper's wife he could escape when he liked, and did so. *Copy.* 1 p.

1475. xxv. Copy of writ served upon Robert Lord, Fairfield, March 15, 170½, for a debt due to John Auboyneau, of New York. *Signed*, Jonathan Selleck, Clerk. *Subscribed*,

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- Lord was committed to gaol in default of payment, Fairfield, April 27, 1704, by me, Joseph Phippen, County Sherriff. 1 p.
1475. xxvi. Copy of Certificate by Wm. Peartree, Mayor of New York, March 2, 1703. Robert Lord defaulting upon a bond jointly entered into between him and John Auboyneau, the latter has been arrested at the suit of Richard Floyd, *etc.* 1 p.
1475. xxvii. Writ served on R. Lord, to answer John Auboyneau for forfeiting above bond. Fairfield, Dec. 2, 1703. *Signed*, Peter Barr, Clerk. *Subscribed*, Lord was committed to gaol upon above writ, Dec. 2, made his escape and was seized again Dec. 3. *Signed*, Joseph Phippen, County Sherriff. 1 p.
1475. xxviii. Copy of bond in 116*l.* entered into by Robert Lord, Soapboyer, in Fairfield, with Richard Floyd of Brookhaven, Nassau Island. June 1st, 1702. $\frac{1}{2}$ p.
1475. xxix. Deposition of J. Auboyneau. After his recovering judgment in the County Court of Fairfield against Lord, the Court delayed granting execution thereof until Lord had gott out of the way. The Sherrif would not execute judgment on his estate. When by his great care, deponent got Lord arrested, the Sherrif put him into a gaol whence he could and did easily escape. He continued to reside in Connecticut. In spite of application to the County Courts and General Court, deponent could obtain no relief for his debt incurred by being bail for Lord *as above* Nov. 28, 1705. *Signed*, John Auboyneau. *Same endorsement.* 2 pp.
1475. xxx. Deposition of R. Sackett, Nov. 28, 1705. On Oct. 18, Mr. Prentise, High Sherrif of New London, declared publicly that they had noething to doe with ye Queen, nor ye Queen hath nothing to doe with them, for they would loose their lives before they would loose their priviledges, except the Queen herselfe came to demand it. At a General Court at Newhaven several persons declared, particularly Capt. Eccles, that they would never loose their Charter and their priviledges, they would first loose their lives. About Sept. 24, Capt. Clarke at Seabrooke said to him that he was Captain of ye Fort and of one of ye Companyes of ye Town, and if ye Queen sent any of her Officers to take away any of their rights and priveledges, that they had good armes and men to defend themselves and would doe it, and would serve them worse than ever Sir E. Andros was served. *Signed*, Richd. Sackett. *Same endorsement.* $1\frac{3}{4}$ pp. [*C.O.* 5, 1049. *No.* 10 (*covering letter only*); and (*enclosures only*) 5, 1263. *Nos.* 70-98.]

Nov. 27. **1476.** Governor Lord Cornbury to the Council of Trade
New York. and Plantations. I had the honour of your Lordships' letter
of April 20, by H.M.S. *Lastoffe*, which arriv'd at New York
July 20. I have likewise receiv'd H.M. additional Instruction,

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which I shall take care to observe. I am of opinion it will give good satisfaction to the people of New Jersey, however, I must observe that the inhabitants of the Western Division of New Jersey are tennants in common, noe partition has been yet made, soe that it is pretty hard to know who has 1,000 acres of land in his own right, soe that hitherto those that are possessed of 1,000 acres of land have been allowed to be within the meaning of H.M. Instructions to me, and the Queen being pleased to make use of the same words in the additional Instruction I have now receiv'd, I shall put the same construction upon them as I have done hitherto. I shall observe your Instructions as to the Revenue, *quoted*. See April 20.

As for what relates to me particularly, I shall always readily submit to whatever orders you are pleased to send me ; but as for what relates to the contingent charges of the Government, the residue of the sum mentioned will not be sufficient to answer the necessary charges of the Government ; for that residue will be but 400*l*. and I conceive there must by a sallary for the Collector, for the Chief Justice, for the Attorney General and for the Secretary, besides other contingent charges ; now if these salaries must be equivalent to those the same Officers have at New York, they are as follows, the Collector has 200*l*. sterling a year, the Chief Justice 130*l*. York money, the Attorney-General 100*l*., and the Secretary has 30*l*. a year as Secretary, and 50*l*. a year as Clerk of the Councill, besides a messenger, and all Custome House Officers, and besides all other charges that will accrue accidentally, and which cannot be ascertained, so that the certain charge will amount of 1,170*l*. a year, besides Custome House Officers, a messenger for the Councill, a Printer, and all other casualtyes, as for what relates to my own private concerns, the Queen was pleased to allow me 500*l*. sterl. a year for the Government of New Jersey, and indeed travelling is very chargeable in these parts. I shall follow your directions punctually. I have always used my utmost endeavours, and shall continue soe to doe, that the administration of the Government should be carryed on in all things in the most equitable and satisfactory manner to the inhabitants of that Province, with regard to their separte interests ; but indeed it is a very hard task, for that Province is inhabited by some people who call themselves Proprietors, some who pretend to hold their lands by virtue of a patent from Coll. Nicholls, who was Governor for the Duke of York, and others who have purchased their lands from the Proprietors, now it is certain that during the time the Proprietors had the Government in their hands, they oppressed the people extreamly, I mean the Proprietors here upon the place, and they would now have their irregular proceedings in those days justified by an Act of Assembly, such as was the long Bill ; however, I doe assure your Lordshipp that I shall engage in noe party, but behave myself equally to all, by which I am satisfied I shall obtain the ill-will of many people, however, I shall not value that as long as I doe my duty to the Queen. I have not put one Justice of the Peace into Commission, nor one Millitia-Officer yet, without the recommendation of some of H.M.

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Council, and I take them to be the fittest persons to advise with in those matters ; when first I published my Commission in that Province, Mr. Morrice was very forward in recommending persons for the Peace and the Militia, and I have found by experience since that in his recommendations he pitched upon such persons only as he knew he could manage to serve his ends, without any regard to their capacitys, and some scandalous fellows whom I have since put out at the request of some of the Gentlemen of the Council, for being drunk every day, and particularly at their Quarter Sessions in Court, and I doe assure you that my rule shall always be to chuse the ablest men, and those of the best estates in the country, to fill those Commissions, and particularly those who are well inclined to H.M. service ; thus I have answer'd your Lordships' letter of April 20, I hope to your satisfaction. On Oct. 13 I went to Amboy to meet the Assembly of New Jersey. I got thither on Oct. 14 in the morning, but noe body was come but two of the Council, and two or three Members of the Eastern Division, soe that it was Oct. 17 before the House sat. I told them what I thought would be proper for them to provide for, by Act of Assembly, and I told them if any other things occurr'd to them fit to be provided for by Act of Assembly, they should always find me ready to agree with them in any thing that might be for the service of the Queen, or the good of the country ; after this they went to their House, and on Oct. 18 they made a resolve in these words ;—"The motion was made and the question put that H.E. speech containing very weighty matters, whether this House shall proceed on any business till it be full, or not. It passed in the negative." Soe your Lordships see there was noe businesse to be done, till the House was full. At the first meeting of this New Assembly, in Nov., 1704, when the Members came before me in Council to qualify themselves, I administred the oaths to those who were willing to swear, and then the Quakers were going to take their attestation, but two of the Members of the Council, Mr. Revell and Mr. Leeds, objected against 3 of the Members of the Western Division, as not being qualifd according to the Queen's Instructions to me, that is, for not having 1,000 acres of land in their own right, in the Division for which they are chosen ; upon this I asked the opinion of the Council, who were of opinion that those against whom there was no objection should qualify themselves, and that those 3 should make proof of their having 1,000 acres of land, and accordingly the rest were admitted, and I recommended it to the Assembly to proceed in the first place to inquire into the qualifications of those 3 Members excepted against, but they did not doe as I desired them, but proceeded upon business ; and towards the end of the Sessions they sent me a message by 2 of their Members, that they were satisfied the 3 Members excepted against were duely qualified, to which I made answer that the exceptions were not taken by me but by 2 of the Council in Council, and that if they would impart those proofs to me in Council which had satisfied them, I would admit them immediately, but the pride of the Quakers would not let them doe that, and the House was in few days adjourned to May

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following, and those 3 Members not admitted. In May I went to Burlington to meet the Assembly, but the Members of the Western Division not coming, I was forced to adjourn the Assembly to Oct. at Amboy, at which time they made the resolve above-mentioned, and sent me the same message they had sent me a year agoe about the 3 Members, to which I sent them the same answer, whereupon they sent the 3 Members to prove their qualifications, this took some days because some papers were wanting, as soon as those papers were come, they proceeded to prove that they were each of them possessed of 1,000 acres of land, but I can't say it was in their own right, for there is a cause depending concerning some of their Lands, however, the Gentlemen of the Council were of opinion they ought to be admitted, and accordingly they were, and I sent the Secretary to acquaint the House that they had qualified themselves, but instead of proceeding upon business they adjourned till the next day, which was a Saturday, and then they adjourned till the tuesday following, upon which I sent for the Speaker, and asked him how they came to adjourn for soe long a time, considering how late it was in the year, he told me he must goe to the yearly Meeting, which was to be held at Shrewsbury the sunday following, soe that as long as the Quakers are allowed to be chosen into the Assembly, the service of the Queen and the businesse of the country must wait upon their humours; however, on tuesday they met, and adjourned again till the next day, then they met; and I find in their Journal these words: "Whereas the motion was made and question put, that the House should not proceed on any businesse untill such time as it was full, which past in the negative, and that whereas now the said obstruction is removed, and the House being full, resolved that the House shall forthwith proceed upon businesse." Now I must observe that at the time they said the House was full, there were 3 Christian Members wanting, but the 3 Quakers being got in, the House was full, soe that it was not a full House of Members that they wanted, but a full House of Quakers; now then, being a full House, as they call it, they think fit to make an Adresse of which I herewith send a copy, how well they have follow'd their Adresse in their actions, their Journal, of which I likewise send a copy, will best show. However, seing they were resolved to doe nothing, and hearing from New York that that part of the Jamaica fleet, which had put in there, was almost ready to sail, I was forced to adjourn the Assembly, which I did to May 1st to meet at Burlington, where I will not fail, if I am alive, to be at the time appointed, to see if they will doe any thing, even for their own good. *Signed,* Cornbury. *Endorsed,* Reed. Feb. 1st, Read April 4, 1706. *Holograph.* 5 pp. *Enclosed,*

1476. i. Copy of surrender of the Proprietors of New Jersey. (C.S.P. 1702. No. 340.) *Endorsed as preceding.* 6 pp. [C.O. 5, 970. Nos. 34, 34.i.; and (without enclosure) 5, 994.A. pp. 268-279.]

Nov. 28. **1477.** Assembly of Bermuda to the Council of Trade and Plantations. *Present following* :—

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1477. i. Petition for the removal of Edwd. Jones. Similar to address, Nov. 23, but in slightly different form. *Endorsed*, Recd. from Mr. Nodin, Nov. 28, 1705. Read Feb. 4, 1708.
1477. ii. Assembly of Bermuda to the Governor and Council, March 5, 1704. Pray that copies of their proceedings, *etc.* against Mr. Jones may be sent to England, and an Agent appointed to justify them there, *etc.* *Same endorsement.* 1 p.
1477. iii. Complaints of the Assembly against Mr. Jones, June 26, 1701. (*Duplicate C.S.P.* 1701. No. 797.ii.)
1477. iv.-xxx. Copies of the Depositions taken in 1701, of John Dickinson, Saml. Spofferth, John Rawlings, Thomas Smith, Daniel Keele, Rich. Wise, Nicholas Spencer, George Darrell, James Wright, Elias Clarke, Anthony White, Charles Walker, Anthony Smith, John Wingood, Will. Parman, Saml. Spofferth, John Cox, Meriam Stone, Jean Milborne, William Righton, Thomas Watkins, John Peasley, William Newman, James Graisbury, Richd. North. Benjamin Wainwright, Saml. Sherlock, in support of charges against Jones. (*Cf. C.S.P.* 1701. Nos. 498, 797.ii., and 1703. No. 1014. ff.) 28 pp.
1477. xxxi. Copy of warrant suspending Jones, June 27, 1701. *Signed*, B. Bennett. 1½ pp. [*Cf. C.S.P.* 1701. No. 587.]
1477. xxxii. Copy of indictments and sentences against Jones, Dec. 1701—Feb. 1702. 9 pp. [*Cf. C.S.P.* 1702. No. 872.ii.]
1477. xxxiii. Copy of Order of the Court, permitting E. Jones to examine witnesses in the causes depending on appeal. June 1, 1702. 1 p.
1477. xxxiv. Copy of permit by Richard Stafford, C.J., in accordance with preceding. June 27, 1702. 1 p.
1477. xxxv. Minutes of Council of Bermuda. *Duplicate* of 1st paragraph of *C.S.P.* 1702. No. 942. 1 p.
1477. xxxvi. Copy of petition of Ed. Jones to Lt.-Governor Bennett to order a speedy hearing of his causes, *etc.* 2 pp. [*C.O.* 37, 7. Nos. 12.i.-xxxvi.]

Nov. 28.
New York.

1478. Governor Lord Cornbury to Sir Cha. Hedges. *Acknowledges* H.M. orders, July 6, 1704 and Feb. 22, 1704, relating to the Admiralty Courts and Prizes and accounts of stores. Noe prizes have been yet brought into my Government by any of H.M. ships, except one by the *Jersey* for illegall trade. I have not yet had any notice given me who the Queen has appointed Commissioners for Prizes, soe that if anybody will offer me a false deputation it may passe upon me easily, *etc.* The account of stores, *etc.* will take some time to prepare, *etc.* Some Privatiers have lately brought into this Port some prizes. I directed the same duties to be demanded of them for the goods brought in those prizes as merchants are obliged to pay; this made the Privatiers very uneasy, they alledged that in the Islands in the West Indies they pay noe duties for any goods carried in in Prizes, I told them I

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could not help that, then they offered to give security to pay the dutys if upon my writing to England, I was directed to require it from them, this is agreed to, because I was willing to make them easy. I intreat the favour of you that I may know the Queen's pleasure in this matter, etc. *Signed*, Cornbury. *Endorsed*, R. Feb. 2. *Holograph*. 2 pp. [C.O. 5, 1084. No. 30.]

Nov. 28. **1479.** Council of Trade and Plantations to Governor Lord Whitehall. Cornbury. *In pursuance of petition of Nov. 21*, enquire as to Mr. Mott's estate. [C.O. 5, 1120. pp. 348, 349.]

Nov. 28. **1480.** Council of Trade and Plantations to the Queen. Refer Whitehall. to Governor Sir B. Granville's appointment of Mr. Chamberlain to the Council of Barbados [see Sept. 15]. In the list transmitted to us by the said Governor of persons best qualified for Counsellors, we find that Alexander Walker do's preceed him, and having discoursed with the Agents of the Island, we do find that Walker is a person of great experience and knowledge in the Laws of Barbados, has long resided upon the place, and is willing to serve your Majesty. We humbly offer that your Majesty appoint him accordingly instead of Chamberlain. [C.O. 29, 9. pp. 413-415.]

Nov. 29. **1481.** Order of Queen in Council. Approving *preceding* Whitehall. and appointing Mr. Walker to the Council of Barbados, etc. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 6, 1705. 2 pp. [C.O. 28, 9. No. 23; and 29, 9. pp. 429-432.]

Nov. 29. **1482.** Three Orders of Queen in Council. Appointing R. St. James's. Townley, D. Cox and R. Mompesson to the Council of New Jersey (see Nov. 21). *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 6, 1705. 3 pp. [C.O. 5, 970. Nos. 35-37; and 5, 994.A. pp. 256-259.]

Nov. 29. **1483.** Order of Queen in Council. Upon the (*following*) St. James's. petitions of G. Lillington and a petition of the Agents of Barbados praying that the Order of Oct. 26 may be reversed or suspended, Ordered, that copies of the said petitions and of all Orders of Council in that matter be delivered to each party, and that they be heard by their Council at the Board on the second Council Day in December, particularly as to the manner of appointing persons to take depositions relating to Col. Lillington's fine. *Signed*, John Povey. *Endorsed*, Recd. Read Dec. 7, 1705. 1½ pp. *Enclosed*,

1483. i. George Lillington, to the Queen. *Recites previous petition and Order of Council*, Oct. 26. Petitioner hath been since obstructed of the benefit of that Order by reason of some mis-recitals and omissions in the drawing up of it, whereby it is rendered wholly ineffectual for his relief. Farther, the Agents of the Governor, to obstruct and perplex him, give out that your Majesty hath upon their petition reversed that Order, or at least referred the matter to be examined by a Committee of the Lords of

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the Privy Council. Petitioner cannot obtain a copy of that Order, or of the said petition. *Prays* that the matter of his petition preparatory to the hearing of his appeal, and of the several Orders aforesaid, may be heard before H.M. in Council, and that Petitioner may be allowed Councill to speak thereunto, and that he may have a copy of the Lords Commissioners' Report and of the Agents' said petition and H.M. Order thereupon, and that the Order of Oct. 26 may be rectified. *Signed*, Roger Lillington, Agent for George Lillington. 4 closely written pp. [*C.O.* 28, 9. Nos. 24, 24.i.; and 29, 9. pp. 432-445.]

Nov. 29. **1484.** Order of Queen in Council. *Duplicate of preceding.*
St. James's. *Enclosed*,

1484. i. Petition of Agents of Barbados and divers other gentlemen of estates in, and merchants trading to, Barbados, to the Queen. Pray that the Order of Oct. 26th may be discharged or execution thereof suspended, untill the matter be further examined, the record of the trial, *etc.* being transmitted hither. *Signed*, Pat. Mein, Rob. Stewart, Tho. Foulerton, Saml. Child, Raynes Bate, J. Kendall, John Walter, Wm. Andrews, Wm. Walker, Rob. Chester, Rob. Haver, Jno. Bromley, Richd. Bate, R. Scott, J. Stanley, Wm. Bridges, Mel. Holder, Wm. Cleland. *Copy.* 3 pp. [*C.O.* 28, 9. Nos. 25, 25.i.; and 29, 9. pp. 446-453.]

Nov. 29. **1485.** Mr. Secretary Hedges to Governor Nott. The successes
Whitehall. of H.M. arms in Catalonia has been such that I could not but lett you have the satisfaction of knowing it, and the rather because you may have opportunities of communicating it to the Spaniards in those parts, whereby it may be yet of a greater advantage to our common cause, which as I am sure you wish well to, so I cannot doubt but you will upon all occasions make that use of it. The inclosed papers will give you a good account of these successes, and of the good disposition of the Queen and her two Houses of Parliament to support the King of Spaine in the progresse of them. I desire you will, as you have opportunity, communicate this news to the Governors of the Proprietary Colonies. *Signed*, C. Hedges. *P.S.—Acknowledges* letter of Sept. 22 and that from the Downs. *Similar letter and enclosures* were sent to the Governors of New York, New Hampshire, Maryland, Barbadoes, Jamaica, Leeward Islands and Bermuda. [*C.O.* 324, 30. pp. 47, 48.]

Nov. 29. **1486.** Council of Trade and Plantations to the Queen.
Whitehall. *Recapitulate Governor Seymour's recent letters. Repeat* Nov. 9, as to purchase of arms, *etc.*, storekeeper, judges, Bladen and ports. As to the Papists, we have discoursed with the Lord Baltimore, Proprietary of that Province, thereupon, and represented to his Lordship the great mischief and ill consequences

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of such proceedings, who hath promised us to write to his friends and agents that they do not intermeddle in the making of any proselites, and that the Papists shal for the future demean themselves without offence, and with all due respect to the Government Amongst ye other Acts received from Maryland, we have 2 relating to Papists, which together with the rest, we shal speedily lay before your Majesty. And as to the Quakers in Maryland, we humbly offer that they be obliged to contribute to the safety of the Province in reference to the Militia in the same manner as in England and other Plantations, *etc.* [C.O. 5, 726. pp. 339-344.]

[Nov. 30.] **1487.** Sir T. Laurence to the Council of Trade and Plantations. *Complains* that by two Acts of Maryland, passed 1704, and now sent home, certain fees belonging to the Secretary are taken away, *and prays for redress.* *Signed,* Thomas Laurence. *Endorsed,* Recd. Read Nov. 30, 1705. 2 pp. *Enclosed,*

1487. i. Account of the Secretary's fees diminished by the Act of Officers' Fees, revived Dec. 9, 1704, Maryland. *Signed,* Tho. Laurence. 1 p. [C.O. 5, 715. Nos. 92, 92.i.]

Dec. 4. **1488.** Mr. Secretary Hedges to the Council of Trade and Cockpit. Plantations. H.M. approving your representation of Nov. 14, you are to prepare a draught of a Commission and Instructions for Mr. Bridger accordingly. *Signed,* C. Hedges. *Endorsed,* Recd. Read Dec. 5, 1705. 1 p. [C.O. 5, 863. No. 148; and 5, 911. p. 3.]

Dec. 5. **1489.** Order of Queen in Council. *Refer* Edward Chilton's St. James's. petition that his appeal be admitted *etc.* to the Committee for Appeals. [See *Acts of Privy Council, II.* No. 981.] *Signed,* John Povey. *Endorsed,* Recd. Read Dec. 7, 1705. 1½ pp. [C.O. 28, 9. No. 26; and 29, 9. pp. 454, 455.]

Dec. 5. **1490.** W. Popple, jr., to P. Docminique. *Encloses* Whitehall. Observations of the Council of Trade on Memorial of Nov. 14, q.v. [C.O. 5, 994. A. pp. 255, 256.]

Dec. 5. **1491.** W. Popple, jr., to Sir Edward Northey. The Governor Whitehall. of Maryland having transmitted to the Council of Trade and Plantations 2 Acts (*see* Dec. 21)—(1) *For suspending the prosecution of any Priests of the Communion of the Church of Rome, incurring the penalties of the Act;* (2) *to prevent the growth of Popery within this Province, past Oct. 3, 1704;* And their Lordships being under some doubt, (1) whether in case H.M. do not signify her pleasure within 18 months, the suspending Act do then expire, or whether the same do remain in force after the 18 months until H.M. pleasure be signified; (2) whether in case H.M. do signify her pleasure for the continuance of this suspending Act for a certain time, after the expiration of the 18 months, or until H.M. further pleasure, the said Act will remain in force accordingly. Their Lordships desire your speedy answer thereunto, the ships for those parts being upon their departure. [C.O. 5, 726. p. 345.]

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Dec. 5.
Admiralty
Office.

1492. J. Burchett to Mr. Secretary Hedges. H.R.H. has given directions to the Captains of H.M.S. in the West Indies, not to impress any of the men belonging to the *Greyhound* of London, and if you will write to the Governor of Jamaica not to suffer to be impress any of her men, the ship may come the more safely home with her rich loading. *Signed*, J. Burchett. [*S.P. Naval*, 7. *Under date.*]

Dec. 6.
Admiralty
Office.

1493. Mr. Burchett to W. Popple, jr. In answer to your letter, I do acquaint you that H.M.S. *Lowestaffe*, a 5th rate of 32 guns and 145 men, Capt. George Fane, and *Trylon's* prize, a 6th rate of 30 guns and 115 men, Capt. Thomas Miles, are now attending on New Yorke. *Signed*, J. Burchett. *Endorsed*, Recd. Read Dec. 7, 1705. *Addressed*. 1 p. [*C.O.* 5, 1048. No. 125; and 5, 1120. p. 377.]

Dec. 6.

1494. Sir E. Northey to the Council of Trade and Plantations. I have considered the petition of Mr. Maycock (*see* Oct. 26, 29), and have heard him and also the Agents of Barbados, who alledge that without them be allowed them to send to Barbados for authentick proceedings of the Court of Chancery, they cannot answer to those complaints. Mr. Maycock hath produced annexed affidavits. It seems to me petitioner hath been hardly dealt with, if what is sworn be true, for by the course of Courts of Equity in England, if the Defendant being served with process to appear is in contempt for not appearing, and the processes of contempt have been carried to a sequestration, the Deft. appearing by his Attorney and paying the costs the Pltf. hath been at in prosecuting in such contempt, the sequestration and all other process founded on such contempt is to be sett aside, and the Deft. hath right, if absent at distance from the place where the Court is holden, to have a Commission to take his answer. In this case it appears that the Attorneys of the Deft. did desire to appeare for him, and the costs were offered to be paid, but the Attorneys prayed to be made parties to the suite, which could not be, for if so the Pltf. would thereby have been deprived of the discovery he had a right to have from the Deft. by his oath, but they should have appeared for him and prayed a Commission to take his answer, which I doe not observe was done, yet it is alledged by the Petitioner that the prayer to have the Attorneys made parties is according to the constant practice of the Islands, where the parties themselves are absent. But the Deft. ought to have been admitted to appear by Attorney, and was not bound to appear in person, as it is sworne was insisted on. This, however, is but the fact as it is stated by one side, the other not having had opportunity to be heard, and for that reason I am of opinion H.M. will not be advised to make any such order for the Petitioner's relief as is prayed. Besides it is not usuall for H.M. to interpose in causes between party and party depending in H.M. Courts of Justice by giving directions in what manner the Judges of such Courts shall proceed therein, nor will it be proper, for that when there shall be an Appeal from the final

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decree in such causes, the same and all the proceedings therein, are to be laid before H.M. for her Royal determination thereon. Yet on the hard circumstances of the Petitioner's case appearing by the annexed affidavits, and for that it hath been admitted by the Agents that the manner of proceeding in this case is new and what hath not been often, if at all used, in that Island, I submit it to your Lordships' consideration whether a copy of the petition may not properly be transmitted to the Governour, with an account of the course of proceeding of Courts of Equity in England, in case of contempts, and how the same have been here discharged, directing him to see justice done the Petitioner, if it hath been denied him hitherto. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Dec. 6, 1705. 2½ pp. *Enclosed*,

1494. i. Affidavit of W. Terrill. Capt. Martin, H.M.S. *Blackwall*, refused to allow Alexander Skeene and George Hey, Dept. Serjt. at arms of Barbados, to serve any writ upon Capt. Maycock or himself on board H.M. ship, Sept., 1704. *Signed*, Wm. Terrill. Nov. 24, 1705. 1 p.

1494. ii. Affidavit of C. Squire. One of the Attorneys constituted by Capt. Maycock. Being informed that the Serjeant at arms had attempted to serve a *ne exeat insulam*, Deponent enquired whether any bill of complaint was filed against him. He was informed that Capt. Josiah Harrison had, Sept. 16, 1704, done so, as executor of Robert Harrison, merely, deponent believes, to obstruct his departure from the island, he having long before adjusted accounts with Harrison, *etc.* No return of the subpoena or *ne exeat insulam* was made till some time after Xmas. Deponent and Capt. John Maycock, another of Col. Maycock's Attorneys, several times after enquired of the Deputy-Register, if any further process was had upon the said bill. There was no account of any till about May 11, 1705, deponent had notice that an attachment had issued against Col. Maycock, May 16, which was returned 14th, and the same day a Proclamation of Rebellion issued. Upon which Deponent and Capt. John Maycock petitioned the Governor that the irregularities of the said process might be examined into and in the mean time all proceedings be stayed, but that in case H.E. was of opinion that the process had been regularly issued, that then they, as Attorneys, might be admitted parties Defts. according to the usual practice of the Island. Which petition was ordered to be heard the next sitting of the Court of Chancery. But no proceedings was ordered to be stopped, in spite of another petition to H.E. Both Attorneys were always ready to appear on behalf of T. Maycock. Deponent offered to pay the costs, but no costs would be received. An Order of Sequestration was granted, after Major George Lillington, Col. Richard Downes and Capt. John Maycock's petition

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to H.E., that T. Maycock's estate might remain in the hands of Capt. John Maycock to manage, they giving 10,000*l.* security, had been rejected. *Signed*, Chars. Squire. *Endorsed*, Recd. Read Dec. 6, 1705. 3 large pp. [C.O. 28, 9. Nos. 21, 22, 22.i.; and 29, 9. pp. 415-429.]

Dec. 6.
Whitehall.

1495. Mr. Secretary Hedges to Governor Handasyde. Upon the petition of the owners of the *Greyhound* frigate, it is ordered that her seamen are not to be impressed. *Signed*, C. Hedges. [C.O. 324, 30. p. 49.]

Dec. 10.
St. James's.

1496. The Queen to Governor Seymour. Instructions as to prizes, similar to instructions to other Governors given No. 1417, *q.v.* *Countersigned*, C. Hedges. [C.O. 324, 30. pp. 49, 50.]

Dec. 11.
Cockpitt.

1497. Sir C. Hedges to the Council of Trade and Plantations. Have you any objection to *following*? *Signed*, C. Hedges. *Endorsed*, Recd. Read Dec. 12, 1705. 1 p. *Enclosed*,

1497. i. John Smith to the Queen. *Prays* for an order that the *Factor*, of Byddiford, may have permission to sail from Virginia when ready, in case she be not ready to sail with the convoy. $\frac{1}{2}$ p. [C.O. 5, 1314. Nos. 68, 68.i.; and 5, 1361. pp. 405, 406.]

Dec. 11.

1498. Same to Same. Have you any objection to *following*? *Signed*, C. Hedges. *Endorsed*, Recd. Read Dec. 12, 1705. 1 p. *Enclosed*,

1498. i. Edmund Jennings of Virginia to the Queen. *Prays* for permission to come into England for some short time to settle his private affairs *etc.* 1 p. [C.O. 5, 1314. Nos. 69, 69.i.; and 5, 1361. pp. 407, 408.]

[Dec. 11.]

1499. C. Lodwick to the Council of Trade and Plantations. Alderman Hutchins being by the illegal prosecution at New York [C.S.P., 1702], become disturbed and thereby incapable of giving security, *as required*, not to prosecute any of the Actors in those matters, the Assembly have passed a new Act reversing the sentence without those clauses your Honours were pleased to dislike. *Prays* the recommendation of the Act for H.M. Approval. *Signed*, Charles Lodwick. *Endorsed*, Recd. Read Dec. 11, 1705. $\frac{3}{4}$ p. [C.O. 5, 1048. No. 126; and 5, 1120. pp. 377-379.]

Dec. 13.
St. James's.

1500. Order of Queen in Council. Confirming Act of Antigua appointing a Council for repairing trenches *etc.* [See No. 1420.] *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read Jan. 3, 1706. $1\frac{3}{4}$ pp. [C.O. 152, 6. No. 30; and 153, 9. pp. 284-286.]

Dec. 13.
St. James's.

1501. Order of Queen in Council. Repealing two Acts of Antigua as proposed in Representation of Nov. 1st. *Signed*,

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Chris. Musgrave. *Endorsed*, Recd. Read Jan. 3, 170⁵. 1 $\frac{1}{2}$ pp. [C.O. 152, 6. No. 31; and 153, 9. pp. 286-288.]

Dec. 13.
Whitehall.

1502. Council of Trade and Plantations to Mr. Secretary Hedges. We have no objection to Col. Jennings coming to England (Dec. 11), he leaving a sufficient Deputy to be approved of by the Governor. [C.O. 5, 1361. p. 409.]

Dec. 13.
St. James's.

1503. Order of Queen in Council. Order of Oct. 26 vacated. (See Nov. 29.) Lillington is granted leave to appeal. Copies of all proceedings in the case to be transmitted from Barbados, and of all papers exhibited at this Board to the Governor and Council for their answer. On giving security to prosecute his appeal, his fine of 2,000*l.* is to be remitted to Lillington *etc.* Signed, Chris. Musgrave. *Endorsed*, Recd. Read Dec. 19, 1705. 2 pp. [C.O. 28, 9. No. 27; and 29, 9. pp. 459-461.]

Dec. 13.
Whitehall.

1504. Council of Trade and Plantations to the Queen. Report upon the petition of T. Maycock in accordance with the Attorney General's opinion (Dec. 6), *etc.* Set out, *Acts of Privy Council, II.* No. 977. [C.O. 29, 9. pp. 456-458.]

Dec. 13.
St. James's.

1505. Order of Queen in Council. Approving preceding. Petitioner's estate to be put into his attorney's hands, upon good security given, *etc.* The Governor to take care that speedy justice be done and an account of proceedings transmitted, *etc.* See *Acts of Privy Council, II.* No. 977. Signed, Chris. Musgrave. *Endorsed*, Dec. 19, 1705. 1 p. [C.O. 28, 9. No. 28; and 29, 9. pp. 461, 462.]

Dec. 14.
Whitehall.

1506. W. Popple, jr., to Mr. Attorney General. *Encloses Act of New York for declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins, etc.*, together with his report upon a former Act and H.M. Order thereupon. The Council of Trade and Plantations desire your opinion whether by this present Act the persons concerned in those proceedings are sufficiently indemnify'd and secured from prosecutions for what they did therein under the orders of those who had power to command them. [C.O. 5, 1120. p. 380.]

Dec. 14.
Whitehall.

1507. Same to Mr. Lodwick. *Encloses preceding. Cf.* No. 1499. [C.O. 5, 1120. p. 381.]

Dec. 14.

1508. Lord Baltimore to Wm. Hunter and those of his Society in Maryland. I have had commands by the Council of Trade and Plantations to attend that Board, where a letter from Col. Seymour was read to me signifying many irregularities you and those of your society have bin guilty of in that Province, particularly your indiscreet zeale by intruding into protestant families, and there giving great disturbance to people on their death-beds; such actions as these I assure you have given great offence, and if you are not very careful to avoyd the like for the future, you will

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give just occasion for your removal out of that Province, and then you will not only forfeit what you have there, but the Catholicks, whom, as I take it, you are only there to assist and serve, will be depriv'd of the means of serving god, which will be a great affliction to them, as it will be a great trouble to me, after this admonition given you by, Gentlemen, your Friend. *Endorsed*, Recd. Read Jan. (7), 170⁵. *Copy*. 1 p. [C.O. 5, 716. No. 2; and 5, 726. pp. 359, 360.]

Dec. 14.
London.

1509. Mr. Blakiston to the Council of Trade and Plantations. *Recommends* William Burd (*Byrd*) to be of the Council of Virginia in his father's room, he having had a liberal education in England and having a considerable estate in that country, and being H.M. Receiver General. *Signed*, N. Blakiston. *Endorsed*, Recd. Read Dec. 17, 1705. *Holograph*. 1 p. [C.O. 5, 1314. No. 70; and 5, 1361. p. 411.]

Dec. 14.
Whitehall.

1510. Council of Trade and Plantations to Mr. Secretary Hedges. We have considered the petition of John Smith, Dec. 11, and are thereupon of opinion that it does in ye general very much contribute to the security of trade that ships bound from the Plantations to England during the time of war be to attend the sailing of their respective convoys, according to H.M. Instructions to her Governors in America, for that besides other reasons referring to trade, it may so happen that ships coming from those parts before the sailing of their convoy may fall into the enemies hands and give such intelligence of the time when such convoy with the remaining fleet is designed to follow as may endanger the same. And having discoursed with the person soliciting this affair, we find that he does desire the said ship may have leave to sail from Virginia before the convoy now designed thither shal return, which we think improper for the reason above mentioned; but whereas it is alledged that the said ship is a swift sailer, carrying 20 guns and 50 men, and having a letter of mart, we have no objection why she may not be permitted to come away at what time the Commander thinks fit, in case she be detained there after the sailing of the said convoy, there being no second convoy as we understand intended for the next year. [C.O. 5, 1361. pp. 409, 410.]

Dec. 15.
Cockpit.

1511. Mr. Secretary Hedges to the Council of Trade and Plantations. In the Instructions for Mr. Bridger [Dec. 4], you are to prepare one directing him to give an account of all he does from time to time to the Governor of the place, and to send a duplicate thereof hither. You will please to prepare an Instruction to the severall Governors to receive and examine such accots., and to send hither their respective opinions upon the account from time to time, as also how that service goes on, and what probability there shall be of its being brought to perfection, and what may be proper to be done towards it. *Signed*, C. Hedges. *Endorsed*, Recd. Read Dec. 17, 1705. 1 p. [C.O. 5, 863. No. 149; and 5, 912. pp. 18, 19.]

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[Dec. 17.] **1512.** T. Allen to the Council of Trade and Plantations. Memorial in support of his petition. [See Oct. 11.] If he should be obliged to begin his action anew, he might, by time and death of witnesses etc., lose the benefit of proofs already made, etc. He adds that, having a controversy at law with the inhabitants of *New Hampshire* for all or greatest part of the lands in it, they are continually cutting down the timber fittest for shipping etc., so that in case some stopp be not put thereto, his estate will be extreemly impaired, wherefore he prays your Lordships so to represent it to H.M. that he may obtain an Order in Council forbidding waste by cutting timber other than necessary for building and repairing houses, firing, fencing etc. Otherwise he will be utterly remediless, it being to no purpose to make application therein to the Courts there, the judges as well as the juries being all parties in interest. *Signed*, Thomas Allen. *Endorsed*, Recd. Read Dec. 17, 1705. 2½ pp. [C.O. 5, 863. No. 150; and 5, 912. pp. 24-27.]

Dec. 18. **1513.** Mr. Jenings to the Council of Trade and Plantations. Williamsburgh. My very great indisposition at the sailing of the last convoy disabled mee from addressing your Lordships, and hope of your Lordships' pardon. *Returns* most humble thanks, etc. The unbyassed and even comportment of H.E. Coll. Nott makes most persons easy, and hope a small time by the moderate method and ways hee uses will silence and quiett prejudice and scandle, wch. lately has bin too much instilled and made use of by some uneasy persons. The Assembly mett the appointed Oct. 23, and on consideration of H.E. speech entred up the revised laws, and ye House of Burgesses went through severall of them without difficulty. The Clergy Bill passed the House, but with such material alterations from that returned from your Lordships, that after twice reading itt lyes before ye Council, whose endeavours are to bring itt as near as may bee to ye revised Bill; I am extreem doubtfull that the Burgesses will not be perswaded to allow ye 40 per poll in lieu of 16,000*lb.* of tobacco and cask to ye Ministers, the several Countys having shewn their aversion by their Burgesses, and also against inductions according to the method of England. The Revenue Bill has passed the house of Burgesses with advantage to the Crowne by taking off 5 per cent. from the allowance of 10 per cent, customarily given the Masters for good payment, and in account of their loading, which may amount to about 150*l.* per annum. The Burgesses has also voted that a Governor's house is necessary to bee built, and have appointed a Committee to draw a Bill for Ports, in every of wch. no pains will be wanting or means and opportunities omitted, whereby H.E. and Council can propagate the Church or H.M. interest. The winter season advancing and the House of Burgesses finding they could not with ease pass through the whole body of the Laws, prayed for a recess, wch. on advice in Council H.E. granted liberty to adjourne to April 24, wch. is thought a more proper season, and hope they will then chearfully proceed in what may be for H.M. service. H.E. layd before the

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Council H.M. commands for advancement of ye Quitt-rents and obtaining a perfect rent roll, in wch. present directions are given to ye several Shereffs and proper officers, what now relates to the Rent Roll falls to my lott, wch. will require much time to perfect, yet hope by the next Fleet to make such a progress as may inable mee to give your Lordships some satisfaction therein. The Colledge of William and Mary was unfortunately burnt on Oct. 29; H.E. recommended to ye Council and Burgesses then sitting to make inquiry by what means that disaster happened, but could not bee fixed, 'tis pity their Majestyes benevolence and ye contributions of the Country are lost, without attaineing the least intended good of Virginia. *Repeats part of Governor Nott's letter of Dec. 24, etc. Signed, E. Jenings. Endorsed, Recd. 6th, Read Feb. 28th, 1705⁵. Holograph. 4 pp. [C.O. 5, 1315. No. 12; and 5, 1362. pp. 1-4.]*

Dec. 18.
St. James's.

1514. Order of Queen in Council, approving Representation of Nov. 29. The Council of Trade and Plantations to give the necessary directions accordingly and signify H.M. pleasure to the Governor of Maryland and others concern'd, as they shall judge requisite. *Signed, John Povey. Endorsed, Recd. Dec. 22, Read Jan. 21, 1705(6). 1 p. [C.O. 5, 716. No. 6; and 5, 726. pp. 365, 366.]*

Dec. 19.
Cockpit.

1515. Mr. Secretary Hedges to the Council of Trade and Plantations. Have you any objection to enclosed petition? *Signed, C. Hedges. Endorsed, Recd. Read Jan. 2, 1705⁵. 1 p. Enclosed,*

1515. i. Peregrine Brown of London to the Queen. *Prays* permit for the *Nicholson*, in case she cannot be loaden in time to sail with the convoy from Maryland, to sail for England without it. 1 p. [C.O. 5, 716. Nos. 1, 1.i.; and 5, 726. pp. 351-353.]

Dec. 19.
Cockpit.

1516. Mr. Secretary Hedges to Governor Nott. You are to suffer the *Factor* to sail when the Commander desires, without staying for convoy. *Signed, C. Hedges. [C.O. 324, 30. p. 51.]*

Dec. 19.
Whitehall.

1517. Council of Trade and Plantations to Mr. Secretary Hedges. In obedience to H.M. commands (Dec. 4 and 15), we have prepared a draught of Instructions for Mr. Bridger, which you will please to lay before H.M. We are writing to the several Governors on the Continent directing them to transmit such accounts as they shal receive from Mr. Bridger with their opinions thereupon. And whereas we are directed (Dec. 15) to prepare a Commission for a Surveyor of the Woods; we take leave to inform you that such Commission has always past the Treasury, the Surveyor of the Woods being an Officer of the Revenue, and no proper form of such a Commission remaining in our Office. *Annexed,*

1517. i. Instructions to John Bridger. Whereas it is of great advantage to our Kingdoms that our Royal Navy and

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the shipping of England be supplied with naval stores from our Plantations in America, we have appointed you to be Surveyor of our Woods on the Continents of America. You are therefore to repair to New England and to exhibit to our several Governors there your Commission, as also such part of our Instructions in that behalf as may be requisite from time to time. You are in the first place to repair to those parts of New England where you shall find it most for our service to take a survey of our woods, and to do all that in you lyes for the preserving of the same. You are to restrain as much as possible the liberty the people take within any woods belonging to us, in cutting down and converting to other uses such trees as are fit for masting our Royal Navy, and to take care that such trees be reserved particularly and solely to that service. And whereas we are desirous that our Dominions be furnished with pitch, tar, hemp and other naval stores from the Plantations, and application having been made to us by divers merchants and traders to the Plantations that a person expert in the producing and fabricating such stores should be sent to those parts, and being sensible of your knowledge and experience herein, you are likewise upon your arrival to use your best skill and care in instructing the inhabitants of New England and other our Colonies in the right and proper method of producing making and fabricating of tar and pitch, and to direct them, as well in the choice of trees as land proper for the producing these commodities, as likewise for producing hemp and such other naval stores as are imported from the East countrys and other foreign parts. You are to endeavour by your advice and instruction to correct any errors the inhabitants may run into, in the manufacturing the said commodities. You are to advise the inhabitants that they take care that all such pitch and tar as shall be shipt from thence be clean and free from dirt and dross, and that the respective makers of those commodities do put their names and the place where such commodities were made upon each cask in which the said pitch and tar shall be put. You are to make application to our Governours in those parts that they endeavour to get such Acts past in their respective Governments as may be proper for encouraging the said undertaking, and for preventing abuses that may be committed therein. When you shall have done what is necessary in New England, you are to proceed to other our Plantations, proper for such productions, in order to the instructing the inhabitants there in the same manner. You are to keep a particular account of all your proceedings herein, and what progress you make from time to time, as also what particular obstructions you shall meet with, if

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any ; and give an account thereof to us by one of our principal Secretaries of State and to our Commissioners of Trade and Plantations, as also to our Governors of the respective Plantations where you shall be, together with your opinion what further orders or instructions may be requisite for the perfecting this so necessary undertaking. [C.O. 5, 912. pp. 56-60.]

Dec. 19. **1518.** Mr. Attorney General to the Council of Trade and Plantations. *In reply to enquiries of Dec. 5 concerning Maryland Acts.* (1) I am of opinion the suspending is to continue in force for 18 months, unless sooner determined by H.M. pleasure, and the clause that no prosecution shall be untill ye expiration of 18 months, or until H.M. shall declare her pleasure, I think can have no other construction, and therefore in all events the Act is to determine at ye end of 18 moneths, without H.M. pleasure declared and sooner, if she shall so please to declare ; (2) I am of opinion all ye power reserved to H.M. by ye Act is to determine ye Act within 18 moneths, but H.M. cannot by her Declaration continue longer ye suspension of ye former Act. *Signed, Edw. Northey. Endorsed, Recd. Read Dec. 20, 1705. 1 p. Enclosed,* 1518. i. W. Popple, jr., to Mr. Attorney General. *See No. 1491.*

1½ pp.

1518. ii. Extract of Governor Seymour's letter of July 3. 1 p. [C.O. 5, 715. Nos. 93, 93.i., ii. ; and (without enclosures) 5, 726. pp. 348, 349.]

Dec. 19. **1519.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose extract of Governor Dudley's letters relating to the French, to be laid before H.M. We think that it may be for H.M. service that the value of the sloop be given to the deserters from Port Royal, as proposed, and that his proposal concerning Quebec is worthy of consideration.* [C.O. 5, 912. p. 61.]

Dec. 19. **1520.** W. Popple, jr., to Mr. Lowndes. *Encloses extracts of Governor Dudley's letter, July 25 last, relating to the Post Office, and his account of pirates' goods etc., to be laid before the Lord High Treasurer. The Council of Trade and Plantations, in consideration of the great care and pains Col. Dudley had in seizing and securing the said pirates and their effects, and that neither he nor the Lieut. Governor have any salary settled upon them, recommend that there may be such a reward allowed them out of the said treasure, as his Lordship shall think fit.* [C.O. 5, 912. pp. 62, 63.]

Dec. 20. **1521.** Mr. Popple to Mr. Attorney General. The Council Whitehall. of Trade and Plantations desire your opinion whether it be fit for H.M. to grant Mr. Thomas Allen's petition (Oct. 11, Dec. 17). [C.O. 5, 912. p. 63.]

Dec. 20. **1522.** W. Popple, jr., to J. Burchet. Extract of letter from Whitehall. Gov. Dudley, July 25, relating to the privateer of Mr. Gallop etc. (Cf. Nov. 16), for H.R.H. directions. [C.O. 5, 912. p. 64.]

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Dec. 20. **1523.** Order of Queen in Council. Refer *following* to the
St. James's. Council of Trade and Plantations for their report. *Signed*, Chris.
Musgrave. *Endorsed*, Reed. Read Feb. 12, 1705. *Enclosed*,
1523. i. Thomas Newton, marriner, to the Queen. Petitioner
has an undoubted right to Hogg Island, but the Colony
of Rhode Island have taken possession of it, and granted
it to John Burden, and bound themselves by an Act of
Court to stand by him *etc.* *Prays* for an impartial trial
in the next adjacent province. *Signed*, Tho. Newton.
Copy. 1½ pp. [C.O. 5, 1263. Nos. 61, 61.i.; and
(without enclosure) 5, 1291. pp. 321, 322.]
- Dec. 20. **1524.** Council of Trade and Plantations to the Queen.
Whitehall. *Summarize* Governor Dudley's letter of July 25 relating to Rhode
Island and Connecticut. *Recommend* Richard Waldron to be
appointed to the Council of New Hampshire *as proposed*.
[C.O. 5, 912. pp. 65-68.]
- Dec. 20. **1525.** Order of Queen in Council. *Referring back* the (above)
St. James's. Representation to the Council of Trade and Plantations, to
enumerate the severall misfeazances and illegall proceedings of
the Charter Governments and Proprietyts in America, in prejudice
to the Trade of this Kingdom and H.M. Plantations, and also
the advantages and convenieneyts that may arise by reducing
such Proprietyts and Charter Governments *etc.* *Signed*, John
Povey. *Endorsed*, Reed. Read Jan. 2, 1705. 1 p. [C.O. 5, 863.
No. 151; and 5, 912. pp. 68, 69.]
- Dec. 20. **1526.** Order of Queen in Council. Ordering a warrant
St. James's. to constitute Richard Waldron a Member of Council of New
Hampshire, in the room of John Hincks, who has left that country
without leave, as recommended by Governor Dudley. *Signed*,
Chris. Musgrave. 1 p. [C.O. 5, 931. No. 7.]
- Dec. 20. **1527.** Council of Trade and Plantations to the Queen.
Whitehall. There being a vacancy in your Majesty's Council of Virginia by
the death of Col. Bird, and Col. John Smith and John Lewis
having been admitted into the Council there by Col. Nicholson,
pursuant to his Instructions, which being unknown to us at the
time when the Instructions to Col. Nott were prepared by us,
their names were left out of the said Instructions, and having
had a good character of the said Smith and Lewis, we humbly
offer that they be restored to their places as vacancies shall happen,
and whereas there is one vacancy at present, we offer that Smith
be restored to the Council and take his former place and precedence
therein. [C.O. 5, 1361. p. 413.]
- Dec. 20. **1528.** Order of Queen in Council. Mr. Secretary Hedges
St. James's. to prepare a warrant for re-admitting Col. Smith to his former
place in the Council of Virginia. *Signed*, Chris. Musgrave. 1 p.
[C.O. 5, 1315. No. 1; and 5, 1340. No. 18; and 5, 1361.
pp. 424, 425.]

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Dec. 20. **1529.** Order of Queen in Council. Mr. Secretary Hedges
St. James's. to prepare a warrant for readmitting John Lewis to his former
place in the Council of Virginia, after the next vacancy. *Signed,*
Chris. Musgrave. *Endorsed,* Recd. Read Jan. 3, 1705. 1 p.
[C.O. 5, 1315. No. 2; and 5, 1340. No. 17; and 5, 1361.
pp. 425, 426.]

Dec. 21. **1530.** Remonstrance of the Roman Catholicks of Maryland
to the House of Delegates. The said Roman Catholicks are
much surprized to find themselves by an Act past the last sessions
of Assembly deprived of that liberty in point of religious worshipp
wch. they and their ancestors have without interruption constantly
enjoyed from the first seating of this Province together with
the rest of theire fellow-subjects of different perswasions, and
that not onely by the publick conditions proposed by the propyres
[sic] to all persons for encouragement of seating heare, but allsoe
by a law heretofore passed by the whole representative body of
the Province and assented to by the propytor, wch. has for a
long time been found by evident experience to have contributed
very much to the peopling of the country, and the firme settlement
of a friendly and sincere union between all the people towards
carryeing on the comon interest of the Crowne of England and
theire owne. It is noe small addition to theire surprise herein
when they consider that in this Assembly are severall persons
who cannot be ignorant that the said Roman Catholicks or their
ancestors have allwayes been as active and forward in hazarding
theire lives and fortunes for the common interest and reduction
of the country to the English subjection and suppression of the
Heathen as any other proportionable number of the people,
and that in the severall attempts therein a great many of them
lost their lives as well by the hands of the infidell enemy as by
the hardshippes which the seating of such a desarte as this was
must of necessity render people lyable to, and that now they
think it the greatest of hardshippes, when they and their posteritys
are in a faire way of reaping some advantage of theire past laboures
and expence in conjunction with the rest of their fellow subjects
to be deprived of that liberty and freedome upon the encourage-
ment whereof they or forefathers chiefly transported themselves
hither. The Charter which laid the foundation of this Province
being granted by a Protestant Prince to a Peer knowne to be a
roman Catholick, it cannot in reason be conceived but that it was
given for granted by that Prince the said Peer and successors
should allow a tolleration and freedom of conscience as well to
such of his owne perswasion as should transport themselves
from their native country to contribute towards the peopleing
a Desart at soe great a distance, as to others, and if soe in the
beginning of the settlement, it is humbly conceived that in all
justice and conscience the covenant ought to continue to posterity.
The said Roman Catholicks being informed by some persons,
who may well be supposed to know, that the [] did not
intend to restraine them in their liberty as the words of the Act
doe, but that onely some irregularities were intended to be

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remedied thereby, are in great measure eased of the dread which the consequences of such a law must bring upon them, wherefore they most humbly pray that as the said Act begun in this Honble. house, directions may be given that such moderate methods may be taken therein as to the prudence, wisdom and justice of the House shall be thought reasonable, and suitable to the originall constitution, and H.E. the Governor and the honourable Council addressed to concur thereunto that thereby the said Roman Catholicks (who noe longer wish for freedome of conscience in this H.M. Province then they behave themselves as becomes dutyfull and loyall subjects) may be left in the same circumstances they have hitherto been, till H.M. pleasure in relation to them be knowne, to whom they question not but application has been before this made aboute that parte of H.M. Royall instructions to H.E. which affects them. *Subscribed,*

1530. i. By the House of Delegates, Dec. 8, 1704. Upon reading the within remonstrance, the House are inclined to indulge the Roman Catholicks in the private exercise of their Religion in their own houses and families, therefore they doe pray the concurrence of H.E. and the Council therein, that a bill may be brought in wch. may allow them such liberty as they have prayed. *Signed,* Wm. Taylord, Clk. Ho. Del.

1530. ii. By the Governor and Council in Assembly, Dec. 8, 1704. This Board are willing a Bill should be brought in to suspend the prosecution of any Romish priest incurring the penaltys of the late Act by exercising their function in a private Ro. Catho. family dureing tearme of 18 months or until H.M. pleasure shall be knowne therein. *Signed,* Wm. Bladen. *Endorsed,* Recd. Read Dec. 21, 1705. 2 pp. [C.O. 5, 715. No. 94.]

Dec. 21.
Whitehall.

1531. W. Popple, jr., to the Bishop of London. The Council of Trade and Plantations having agreed their report upon the Acts of Maryland relating to Popery (Dec. 5, 21), send you the same. They will again meet Jan. 2, at which time they will be glad of your Lordship's company in order to sign the same, if your Lordship have no objection thereunto, or unless your Lordship will think fit to sign it before. [C.O. 5, 726. p. 350.]

Dec. 21.

1532. Order of the House of Commons that the Council of Trade and Plantations do lay before this House a state of the Trade with Newfoundland and the Western Islands. *Signed,* Paul Jodrell, Cl. Dom. Com. [C.O. 194, 3. No. 86; and 195, 4. p. 63.]

Dec. 24.
Virginia.

1533. Governor Nott to the Council of Trade and Plantations. I hope ye Proceedings at lenth with ye letter I send in ye nature of an Abstract, will answer wt. your Lordpps. expect from me. But I must now beg your Lordpps. pardon in case I trouble you with wt. may be either not so well exprest or so proper to trouble you with. I have an instruction that excluds any Councillor from

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being one of ye Navall Officers. The Council think itt a very heard case, that they should be at so great trouble and charge and yet be made uncapable of any of those places, if they ware vacant. I leave it to your Lordppps. who are best judges wither it may be for H.M. service or not. As far as I can yett see it would be a great satisfaction to ye Governer to have ye restriction off. An other thing is, there are severall laws yt. are advantageous to ye Cuntrey yt. I brought over, wch. your Lordppps. had approved off, which ye Assembly pass here without alteration, but ye Clergy bill and some others yt. I think are more desired in England to pass intire, they have very much changed. Now the favour I beg of your Lordppps. is, to know if I shal pass those laws where there is no alteration, and only send over those where there is material ons, or send over ye whole Revisal for your Lordppps. approbation. I do once more beg pardon if I am impertinent, wch. I hope for because I mean well. *Signed*, Edward Nott. *Endorsed*, Recd. 6th, Read Feb. 28th, 170⁵. 2 pp. [*C.O.* 5, 1315. No. 13; and 5, 1362. pp. 4, 5.]

Dec. 24.
Virginia.

1534. Governor Nott to the Council of Trade and Plantations. *Refers to former letter.* About the middle of Oct. the *Marlborough* galley of Bristol arrived here from the West Indies, to lade tobacco for Bristol, and gives me this opportunity of paying my duty to your Lordships and transmitting the Journals of the Council and Assembly since the date of my last letter. Upon the petition of Wm. Freek, the Master of this ship, I did with the advice of the Council permit him to sail as soon as he could procure his lading, chiefly on the account of the ship's being a good sailor, and of more than ordinary force for a merchant man, and wch. we thought would afford a safe and speedy conveyance for the public dispatches that would be necessary to send your Lordships after the conclusion of the Assembly. The Assembly mett on Oct. 23, and proceeded on the revised Bills, whereof 22 are sent up to the Council for concurrence, and of them, 7 are past there without any amendment, and others sent back to the Burgesses with amendments; but the weather proving very cold about Nov. 24, they made application for a recess, but notwithstanding I continued their setting till the 30th, at which time, according to the advice of the Council, I gave them leave to adjourn till April 24. The Burgesses have passed the Act for raising a publick Revenue etc. with some amendments that will be advantageous to H.M., for, whereas in the Bill which your Lordships had before you, there was an allowance of 10 *per cent.* to the Masters on the 2s. *per* hogshead, they have now reduced it to 5 *per cent.* They have also appointed all ships trading to be measured, and the fifteen pence *per* tun to be paid according to the tuns they measure, wch. will considerably increase that duty; and it seems that such a precaution is very necessary; for the tunnage being paid formerly according to the tuns exprest in the registers (wch. have not been always exact) some have contrived of late to get their ships registered anew, at a less burthen than they were registered before, wch. seems to be chiefly designed to defraud H.M. of the duty on

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the tunnage here. The Bill for establishing the General Court is passed the House of Burgesses in the same manner as it came from your Lordps., and I believe the Council will make no alteration in it, except it be as to the holding one of the Courts in Dec., wch. they seem to think might be contrived to be held at some more convenient time, considering the coldness of the weather at that time of ye year, and if they can find a more proper season, I suppose your Lordps. will not be dissatisfied. The Bill concerning the Clergy is not like to succeed so well; the Burgesses have struck out the 40*lb.* of tobacco per poll, and the method of induction: the former they are so positive against that the Council have not thought fitt to press them on it, and tho' they have again proposed a method of settlement for the Clergy, in their amendments to the Bill, there appears but very little hopes of its taking effect, so that the Clergy are like to continue much on the same foot as now; however, when the Assembly meets again, I shal not fail to use my endeavours for obtaining a better settlement for them. I shal not trouble your Lordships with an account of any other Bills, since they are not of so public a nature, and not yet finished: but if your Lordps. desire further satisfaction as to the progress made in the Laws, I refer you to the Journal of the House of Burgesses. Upon my recommending to the Assembly the establishing of ports and towns, the Burgesses have appointed a Committee to prepare a Bill for that purpose; they have also resolved that a house be built for the Governor, but have not yet settled the fund for carrying it on: but I hope after their next meeting I shal be able to give your Lordps. a good account of their proceedings both in relation to the Laws, and the other matters recommended to them. Being by one of H.M. Instructions directed to cause the quitt-rents to be sold by inch of candle at the respective County Courts, upon my laying it before the Council, I found that the like Instruction had been given formerly and put in practice, till it was found to be a disservice to H.M. After which it was ordered that the Auditor should sell the quitt-rents himself, wch. he usually did in Oct. General Court, and the same method is thought fit to be continued as most advantageous for H.M. service. *Refers* to Journal of Council. I am sorry to inform your Lordps. that the extraordinary low price of tobacco this year beyond what hath been known for several years past, will much lessen the value of H.M. Quitt-rents, tho' all possible care hath been taken to advance it, particularly by a strict order to the sherifs to pay the tobacco to the purchasers of the Quitt-rents as good both as to quality and conveniency as they receive it in the Counties, wch. it seems they did not think themselves obliged to observe heretofore. Several persons who had procured rights and made entrys for land on the South side of Blackwater, when that land was laid open by order of the late Governor and Council, and afterwards by an order of the Governor had been prohibited to survey or patent the said lands, presented a petition to me for liberty to go on with their surveys. In this case there had diverse contraversys arisen about the entrys, some parcels

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being claimed by two or more different pretenders; others had fairly entred for their lands and no dispute had been made of their titles, but both had been restrained from surveying and patenting what they had entered for; so that to do equal justice as well as to give satisfaction to all concerned, it was thought fitt in Council to allow such as had made good entries, and no complaint offered agt. them, immediately to survey and patent their land according to the laws and usage of the country. And for such whose entrys are contraverted they are to be heard in Council on the second day of the next General Court, and if any irregular proceedings have been heretofore in that matter, I hope they may then be rectified; and by this permission a further addition made to H.M. Quitt-rents. *Refers to Journal.* Upon consideration of my Lord High Treasurer's letter and memorial for improvement of H.M. Quitt-rents, directions are given to the respective Sherifs for the better discovering all lands held of H.M. and the arrears of Quitt-rents due for the same, and suitable rewards promised to encourage their dilligence; a form is also sent them for the more regular making up their rent-rolls. And I am not without hopes that these directions will have some good effect for H.M. service both in augmenting that Revenue, and for obtaining a perfect Rent-roll, wch. is so much desired. For accomplishing the latter, Mr. Secretary hath directions to extract from the Records of his office an account of all patents for land granted since the first seating of the country and to cause the County Court Clerks search their Records to whom the sd. lands have been from time to time transferred. Last month I received my Lord High Treasurer's commands to cause Mr. Byrd lay before me and the Council for examination, all his father's accounts as Auditor, from his first entring on that office; Mr. Byrd hath had notice accordingly, but upon his representation of the difficulty and trouble he finds in searching for papers of so long a standing (being now above 16 years since Col. Byrd was appointed Auditor) and that he could not possibly be ready to comply with my Lord High Treasurer's directions sooner, he hath time given him till next Council to prepare those accounts. The arms and ammunition sent hither by H.M. order, and which had been directed to be sold at $12\frac{1}{2}$ per cent. advance on the first cost, going off but very slowly, your Lordships will be pleased to observe in the Journal, an humble Representation from my self and the Council, that the abating somewhat of that price will (we hope) facilitate the sale of the arms, and be of service to H.M. and this country. And in the same page the Council have offered several reasons for removing the arms from James City, as being a place that lyes open on a navigable river without guard or fortification, where they are exposed to the danger of being surprized by an enemy; and a repartition of those arms and stores is made for each County in the Colony whereby it is conceived they will be much more safe, and of greater service to the country in case of danger. Having according to H.M. Instructions taken the advice of the Council in the nomination of fitt officers throughout this Colony, I have directed new Commissions of the

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Peace to every County, and the short time I have yet been here not affording me a sufficient knowledge of persons, I left the nomination of the Justices solely to the Council. I have continued the former Escheators, there being no objection made against any of them. But when I asked the advice of the Council as to the continuing the Naval Officers, objections were made against several of them, viz., against Col. Wilson and Col. Corbin, as being much concerned in trade, and exacting illegal fees, and they are ordered to put in their answer at the next meeting of the Council. The exceptions against Major Allen are his being appointed at first without advice of the Council, and officiating by a deputy without any other necessity than the inconveniency of his own habitation; to this he hath given in his answer which (tho' there be nothing done on it in Council) I humbly transmit and shal in his case, as in all other the Naval Officers, wait your Lordships' directions before I make any alteration, except there be mismanagement proved against them. I gave your Lordps. an account in my last how little tobacco was exported hence in the ships that sailed under convoy of the *Kingston*, so that the duty of 2s. per hogshead could not be much encreased by it.

Mr. Byrd hath paid the last half year's sallarys out of that and the ballance of his father's accompt., and there remains due to H.M. 1,575*l.* 3*s.* 3*d.*, as your Lordsp. will see by the *enclosed* copy of his accompt. It hath been examined in Council and the observations made thereon are of an article on the credit side of Bills of Exchange sent by Col. Nicholson to Mr. Perry for 46*l.* 19*s.* 10*d.*, being part of Mr. Custis's account, it appearing that these bills were sent to Col. Nicholson as part of Mr. Custis's last half-year's accompt of the 2*s.* per hogshead, and that Col. Nicholson remitted them to Mr. Perry for H.M. use, the Council thought it reasonable to allow them to be discounted by Mr. Byrd. The other remark is the paying the full half-year's sallary to Col. Blakiston as Agent, which the Council think reasonable to allow him in regard of the more than ordinary trouble they have lately given him. Your Lordships will find in this accompt of Mr. Byrd's an article of 27*l.* 4*s.* 10*d.* for arms sold, and that your Lordships may be informed why the produce of the arms is charged in the accounts of the 2*s.* per hogshead, I beg leave to acquaint your Lordships that when the arms were sent in hither, there was a considerable charge accrued for cleaning them etc., for defraying of which it was thought fit to advance 12½ *per cent.* on the first cost of all the arms, that should be sold, but it being necessary that the charge should in the meantime be paid out of the 2*s.* per hogshead, the Council inform me that it was agreed that the first produce of the arms should be applied towards the refunding it to that Revenue, and all that should be sold afterwards charged to the Revenue of Quitt-rents, according to H.M. royal commands. One Jonathan Yates, carpenter of the *Thomas and John*, of London, now in York River, made complaint to me that Robert Ranson, Captain of that ship, had in his voyage, on the coast of Guinea, beaten one Arrison, a seaman, so as he dyed in few days after. I did thereupon with

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advice of the Council order the affidavits of all the men in the ship to be taken, and directed the Attorney General to report his opinion what was proper to be done in it, and the case appearing difficult, we had besides Mr. Attorney, the opinion of two other gentlemen who are barristers at law, but they were all so doubtfull whether it could regularly be enquired of here, that we did not think convenient to proceed further in a matter where we were not certain that we had any jurisdiction, and besides the information appeared to be malicious, being contradicted by the testimony of diverse witnesses, especially of the surgeon of the ship, *etc.* *Refers to enclosure.* Capt. Ranson is bound for London with the next fleet. I have pursuant to H.M. Instructions made enquiry into the management of the Secretary's Office, and find that the present Secretary hath taken great pains in regulating the office, and hath it in much better order than ever it was before. Several old Records that were almost worne out are newly transcribed, and both Records and papers put up in convenient boxes, and he is making some other regulations in it as well for decency as service. My Lords, the quantity of goods, and especially of cloathing imported of late, not being sufficient for supplying the country, many of the inhabitants and more particularly in the Countys where they plant Aronoco tobacco, have this last year planted a considerable quantity of cotton, which they have manufactured with their wooll, for cloathing their families; and others have sowed flax, and made linnen; and the scarcity of goods rather increasing this year, I am afraid many more will be reduced to a necessity of falling on that sort of manufacture to wch. the extreme low price of their tobacco will very much incline them; I thought it my duty to informe your Lordships of this, submitting it to your Lordships' consideration how far it may affect the Trade of England. I am sorry that I must give your Lordships the melancholy news of the burning of William and Mary Colledge. On Oct. 29, between 11 and 12 a'clock at night, a fire broke out there, wch. was got to that height before it was discovered, that it was impossible to save it, the building, Library and furniture was in a small time totally consumed. A Committee of the Council and Burgesses have taken diverse examinations about it, but nothing can be gathered by what accident it came to be fired. I cannot tell what course will be taken to retrieve this misfortune; the Gentlemen who are concerned in the management of the Colledge have not mett to do anything in it by reason of the want of a Rector, Col. Nicholson, the present Rector, being out of the Country, and they not having power to make a new election till next Lady Day. The ships that are now here will not be sufficient to export the tobacco that lyes in the country, so that a great deal must be left if no more ships come in, which will be a loss, as well to H.M. in her Customs, as to the Planters and Inhabitants. *Signed, Edward Nott. P.S.—H.M.S. Woolwich and Advice* are arrived here with 16 sail of merchant-men under their convoy for this country and Maryland, the *Advice* is gone up the Bay to Maryland, and the *Woolwich* is at Kiquotan, and I hear has brought in as prize a French merchant-ship from the

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Isle of Cayen, wch. he took to the Eastward of the Western Islands, but I have neither seen nor heard from the Commodore anything of this matter, so cannot give your Lordships an acct. of her cargo or value. *Endorsed*, Recd. 6th, Read Feb. 26th, 1705. 8 pp. *Enclosed*,

1534. i. Mr. Auditor Byrd's Accompt of the 2s. per hhd. July 20—Oct. 25, 1705. Due to H.M., 1,575*l.* 3s. 3*d.*, after paying 1,013*l.* 11s. 0*d.* salaries etc. *Signed*, W. Byrd. *Endorsed*, Recd. Feb. 6, 1705. 2 pp.

1534. ii. Col. Allen to Governor Nott. Reply to the Council's objections to him as Naval Officer. *Referred to above*. *Signed*, Ar. Allen. *Endorsed as preceding*. 1½ pp.

1534. iii. Copies of the Depositions of the seamen of the *Thomas and John* as to the death of Valentine Arrison. *Referred to above*. Some declare that he died of blows dealt him by Capt. Ranson with fist and cutlass, the surgeon that he died of fever arising from drinking too liberally of palm wine, against which he had been warned by the Captain and himself. *Same endorsement*. 4½ large pp. [*C.O.* 5, 1315. Nos. 11, 11.i-iii.; and (without enclosures) 5, 1361. pp. 450-463.]

Dec. 24.
Virginia.

1535. Governor Nott to [? Mr. Secretary Hedges]. *Repeats part of preceding*. The Council and Assembly are very much out of humour yt. their laws should be sent home without being first passed here, and therefore I believe make great alterations both to wt. their Committy did here and to wt. ye Lords of Trade had amended at home, particularly ye Clergy bill, they have almost left them ye same as they ware before the revisall, wch. truly is very deplorable. I have an Instruction wch. obleges me to have ye advice of the Council in ye puting in ye Navall Officers. I acquainted ye Council yt. I was goeing to renew their Commistions, and desired to know if they had any just reason to object against any of them. One of ye 6 past over very easly, wch. is ye Officer of ye Eastern Shore, for indeed I have been forced to desire him to keep his place till I can try whether my Lord Treasurer will increass his sallary, for unless I would doe as Col. Nickcolson did, wch. is to give an order to him to receive ye 2s. per hhd. before ye hogsheads are taken of yt. shore, wch. ye Council tell me is contrary to law, it not being due but upon ye shiping, and without either yt. be don, or ye sallary increased, ye place is not worth ye having, there being so few ships yt. lode there. And yet it is a place lying so well for ye smuggling trade yt. it requirs he should have at least one if not two Deputies. There are two others I got them to be satisfied with, one of them Col. Cary, ye Naval Officer of York River, is so necessary a man, and has so good a character yt. ware itt not for a very odd instruction yt. incapacitats a Navall Officer to be of ye Council, I should think him one of ye fittest men for itt in ye Colloney. *Argues* that the restriction making Councillors incapable of holding places of profit makes good men very indifferent as to being of the Council. As to ye other 3 Navall

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Officers, they have given there objections against them, one of ye 3, Major Allin, they have nothing to say but wt. I think very triviall and his answer very full; for ye other two they are to answer at next convenient Council. In ye meantime I shall continue them, but not renew their commissions till I hear from my Lord Treasurer, who if you please to speak to, and if any of ye officers be put out, I shall be very glad to see ye Gentleman you spoke to me about come for one of them. Here are several laws passed yt. I brought over without any material alteration. Now the Clergy Bill and several others the Assembly have cloged with amendments. I endeavoured to scare them with telling them they would gett none of there Laws passed if they would not doe something for ye Clergy, but it will not doe. I therefore beg your advice wheither I should send all ye laws whome, or pass those weh. ye Lords of Trade and ye Assembly agree in *etc.* *Signed*, Edward Nott. *Endorsed*, R. Feb. 1, 1705. *Holograph.* 4 pp. *Enclosed*,

1535. i. Minutes of Council of Virginia, Oct. 15—Nov. 30, 1705. 29 pp.

1535. ii. Journal of Assembly of Virginia, Oct. 23—Nov. 30, 1705. 68 pp.

1535. iii. Journal of Council in Assembly of Virginia, Oct. 23—Nov. 30, 1705. 23 pp.

1535. iv. Abstract of Journals (*Nos.* i.-iii.) [*C.O.* 5, 1340. *Nos.* 19, 19.i-iv.]

Dec. 25. **1536.** Petty Expenses of the Board of Trade, Michaelmas—Christmas, 1705, 18*l.* 10*s.* 9*d.* Stationer's Bill, 18*l.* 16*s.* Postage, 71*l.* 1*s.* 1*d.* 3½ pp. [*C.O.* 388, 76. *Nos.* 1-3.]

Dec. 27. **1537.** Capt. Boys to the Council of Trade and Plantations. Asks for directions how to forward a box to the Board from Lord Cornbury. *Signed*, C. Boys. *Endorsed*, Reed. Read Jan. 2, 1706. 1 p. [*C.O.* 5, 1049. *No.* 1; and 5, 1120. p. 382.]
H.M.S.
Nonsuch,
Falmouth.

Dec. 31. **1538.** The Queen to Governor Nott. Warrant for admitting St. James's. Col. Smith into the Council of Virginia. *Countersigned*, C. Hedges. 1 p. [*C.O.* 5, 1340. *No.* 20.]

Dec. 31. **1539.** Same to same. Warrant to admit John Lewis into St. James's. the Council of Virginia upon the first vacancy. *Countersigned*, C. Hedges. 1 p. [*C.O.* 5, 1340. *Nos.* 21, and (corrected copy) 22.]

Dec. 31. **1540.** H.M. Warrant to Sir T. Laurence, Bart., to be absent St. James's. from Maryland, he putting in a Deputy. *Countersigned*, C. Hedges. *Endorsed*, Reed. Read Jan. 14, 1706. 1½ pp. [*C.O.* 5, 716. *No.* 4; and 5, 726. pp. 362, 363.]

[Dec.] **1541.** Inhabitants of Ferriland and places adjacent in Newfoundland to the Queen. Represent their present danger. For the French with the barbarous Indian natives of Canada

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doe very often in a barbarous and inhumane manner overrunne our parts. They are not under any manner of discipline of warr, having neither Commissions nor orders soe to doe, but connived at by the French Governor, that whatever outrages those people doe commit may not be imputed to any of the said Governor's infringing the common Law of Armes, for those parties of men have used several barbarities, as taking of the hairy scalpe from a man's head whilst living, torturing another by putting his feet in a strong fire untill they were burnt to a coale up to the ancle, tortured others by putting burning matches betwene their fingers untill the flesh was burned home to the bone, and burne, ravage, destroy and plunder all wherever they came. And on Nov. 5th last seven of them came by night and surprised and plundered Rensuc, but did not then burn or use their common violence, as not being strong enough in number, for they came then as 'tis generally believed as spies, but we as soone as could get together pursued them with 17 men, being encouraged thereunto and laid [led] by William Roberts, fell on them and at a place called Glam Cove killed one and took three of them prisoners, the rest escaped into the thicketts, and we recovered their booty. *Pray* that these prisoners may be prosecuted. And since that Nature has formed the harbour of Ferriland that it may easily be made strong, and that it is a fit place for the defence of the South Fishery, we humbly beseech your Majesty that you will order a small fortress of about 10 guns and 40 men, which will be defence for the said harbour and a refuge for the adjacent places, *etc.* Signed, William Roberts, Thom. Dible, John Robbins, Samuell Gabrath(?), Archd. Cumming, John Tuke, Richard Power, John Hodge, John Hill, Will. Shoart, James Bengier, John Jenkins. 1 p. No date. [C.O. 194, 22. No. 56.]

[? 1705-6.] **1542.** An account of the present state of Barbados. When Sir B. Granville arrived he found the Island in great confusion and divided into partys. The majority of the Assembly seeing the Island in debt and publick credit low, resolved to bring the Treasurer and some of his friends to account, who they had reason to believe had embezelled the publick money, but to prevent this design, 8 Members of the Assembly, accomptants or friends of his, agreed to absent themselves from the House, by which means all publick business was a stand. Sir Bevil laboured all he could to bring them to a temper *etc.* Soon after, the Assembly, in order to have a true state of the debts laid before them, proceeded to appoint Commissioners to inspect the publick accompts, and the time drawing near for choosing a Treasurer, it was apprehended that Mr. Downes would be laid aside, and thereby all concerned with him brought to accompt, upon which some of the late absenting Members apply'd to the Governour for his favour that Mr. Downes might be againe elected, making him great offers to engage him in their interest, and in order to it, immediately proposed in the House an Adresse to the Queen to revoake the late Order restraining him from receiving an annual present, which Address he thought fit to discourage. Afterwards

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when a question was put for re-imbursing the Governor the charges he was att in sending out flags of truce and maintenance of servants till a house was provided for him, which were charges always allowed to other Governours, and estimated only at 600*l.*, some of those very gentlemen voted he should be allowed 1,500*l.*, and others 1,000*l.*, and afterwards they voted unanimously that his cellar should be supplied with wine as usually for his reception and the reception of the whole Country, tho' they have since petitioned the Queen against him for receiving the same. They, finding he could not be prevailed with by the consideration of his own interest to oppose the majority of the Assembly in the election of a Treasurer, began to have recourse to their former method of absenting themselves *etc.* The Governor endeavoured to perswade them to return, and being after informed that they had spread a report to incense the people, that the reason of their absenting was to prevent the passing of a Bill in the Assembly, which under the pretence of raising 150 men to guard the coasts, was intended for the Governour to gett a considerable sum of money and to enslave them by governing with a standing army, he thereupon, by the advice of the Council, prorogues the Assembly, and at their next meeting acquaints them that he did it that the Bill might drop, and that there might be no pretence left for their absenting themselves. During this time a proposal was made by one of these Gentlemen, who undertooke for the rest that if Downes might be elected Treasurer, they would return to the House, otherwise they would continue to break it, and tho' they complained of this Bill, and have since made it an Article against the Governour, they themselves brought in a Bill of the same nature by which he was to receive 1,500*l.* without account, tho' by the other he was only to be allowed 200*l.* for intelligence. The Governor, after near a year's fruitless endeavours, finding them to continue obstinate, summons them to attend him in Council to give their reasons for their absenting themselves, who answered they would attend when they thought the business of the House was for the Queen's service or the good of the publick, but when they thought otherwise they would againe break the House. Upon their withdrawing, the Governour asked the Council whether the wilful absenting of these Members were not disobeying of the Queen's writt, and a breach of their trust to the People, to which the Councill agreed. He then proposed to them whether these Gentlemen ought not to be removed from their employment in the Militia and Commissions of the Peace, upon which four of the Council propos'd that further time might be allow'd them, and advised the Governour rather to remedy these evils by dissolving the Assembly and calling a new one, than by removing them out of their employment. The Governour after summoned the Council twice to advise with at this nice juncture, but found these four Councillors began now to putt in practice the method of the absenting Assemblymen, and by staying at home broke the Council, there being not a sufficient number in the Island to make a Board without two of them at least attended. Sir Bevill, haveing before information that these Councillors

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did underhand countenance the absenting Members, which he was now confirmed in, not only by their breaking the Council twice, but their advising a dissolution without removing them from their offices, which would give them credit to be elected againe, found himself under a necessity, with the advice of those Councillors who attended, to suspend them and call a new Assembly *etc.* His action has been attended with all the success imaginable. For whereas all business had been at a stand for neare two years, the new Assembly has in a little time stated the debts of the Island, raised 20,000*l.* to pay them off, sett out 2 brigantines to clear the coasts from privateers, who before kept them in a manner besieged, and intercepted their provisions, hath restored publick credit to that degree, that tho' before the public could not borrow 100*l.*, they have more money offered them now at common interest than they have occasion for. The Gentlemen who were displaced, finding now they could play their game no longer at home, resolve to carry on their malice by sending over petitions to H.M. against the Governour, and to spare no cost, as some of them have bragg'd, to gett him removed, in hopes of being able to manage his successor better. The first petitions were transmitted in the names of 7 members of the late Assembly and the four Councillours, but finding that by being petitioners, they unqualified themselves for evidences, two of the seven Members, who were ordered by the Assembly to be prosecuted for embeazling the publick money, made their escape hither, and presented a new petition against the Governour in the names of the other five, became themselves the principall witnesses, and gott two or three more to joyne with them, who are fled from justice and now under prosecution, one of them for perjury. *Repeat proceedings calendared supra. No date or signature. 3½ large pp. [C.O. 28, 38. No. 41.]*

1705 ff. **1543.** Acts of Antigua, 1697-1714. [*C.O.* 8, 3.]; 1668-1706. [*C.O.* 8, 1.]

Acts of Barbados, 1643-1762. *Printed.* [*C.O.* 30, 1.]; 1698-1714. [*C.O.* 30, 6]; 1648-1718. *Printed.* [*C.O.* 30, 4.]

Acts of Bermuda, 1698-1766. [*C.O.* 39, 3]; 1704-1714. [*C.O.* 39, 4]; 1690-1714. *Printed.* [*C.O.* 39, 2.]

Acts of Carolina, 1663-1734. *Printed.* Edited by Nicholas Trott, LL.D. [*C.O.* 5, 411.]

Acts of Jamaica, 1681-1737. *Printed.* [*C.O.* 139, 8]; and 1695-1707. *MS.* [*C.O.* 139, 9.]

Acts of the Leeward Islands. *Printed.* 1668-1740. [*C.O.* 176, 1]; and 1668-1730. [*C.O.* 154, 3.]

Acts of Maryland, 1692-1727. *Printed.* [*C.O.* 5, 730]; and 1704-1753. [*C.O.* 5, 733; and 5, 732; and 5, 729.]

Acts of the Massachusetts Bay, 1692-1761. [*C.O.* 5, 771-773.]

Acts of Montserrat. *Printed.* 1668-1740. [*C.O.* 176, 1.; and *MS.* 176, 2.; and 176, 3.]

Acts of New Hampshire, 1703-1714. [*C.O.* 5, 951]; 1696-1740. [*C.O.* 5, 948]; *Printed.* 1699-1751. [*C.O.* 5, 949.]

Acts of New Jersey, 1704-1714. [*C.O.* 5, 1006.]

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- Acts of New York. *Printed.* [*C.O.* 5, 1143; and 5, 1144.]
 Acts of Nevis, 1680-1735. [*C.O.* 185, 1]; 1664-1739. *Printed.*
 [*C.O.* 185, 2; and 185, 3.]
 Acts of Pennsylvania. *Printed.* [*C.O.* 5, 1238; and (MS.)
 5, 1237.]
 Acts of St. Christophers, 1701-1722. [*C.O.* 240, 1.]
 Acts of Virginia, 1704-5. *Printed.* [*C.O.* 5, 1382, 1383,
 1384]; 1705-1710. [*C.O.* 5, 1385]; 1662-1732. *Printed.*
 [*C.O.* 5, 1381]; 1662-1715. *Printed.* [*C.O.* 5, 1380.]

1544. Lists of Acts of New Hampshire and the Massachusetts Bay, New York and the Proprieties. [*C.O.* 5, 273-276]; of the Leeward Islands. [*C.O.* 154, 6.]

1545. Abstracts of letters from the Governor and the President of Council of Barbados, [*C.O.* 28, 36]; from the Governor of Jamaica, [*C.O.* 137, 41]; from the Leeward Islands, 1704-1752. [*C.O.* 152, 36]; from the Massachusetts Bay, 1706-1756. [*C.O.* 5, 923]; from New Hampshire, 1705-1755. [*C.O.* 5, 994]; from New Jersey, 1703-1754. [*C.O.* 5, 1000]; from New York, 1698-1737. [*C.O.* 5, 1133]; from the Propriety Governments, 1706-1752. [*C.O.* 5, 1298]; from Virginia, 1705*ff.* [*C.O.* 5, 1370.]

1546. Abstracts of Grants of Land, Carolina, 1706-1768. [*C.O.* 5, 319]; New York, 1665-1765. [*C.O.* 5, 1134]; South Carolina, 1674-1765. [*C.O.* 5, 398.]

1547. Naval Office Shipping Returns. Barbados, 1678*ff.* [*C.O.* 33, 13, and 14]; Nevis, 1704-1729. [*C.O.* 187, 1. No. 1]; Antigua, 1704-1720. Nevis, 1683-1715. St. Kitts, 1684*ff.* Montserrat, 1704-1715. [*C.O.* 157, 1]; St. Kitts, 1704*ff.* [*C.O.* 243, 1]; Massachusetts Bay, 1686-1717. [*C.O.* 5, 848]; Virginia, 1700-1706. [*C.O.* 5, 1441.]

1548. Plantation Accounts, Fort Kijkoveral, 1702-1705. 44 *pp.* [*C.O.* 116, 164. No. 2.]

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1705.
Jan. 11. *No. 808, line 5. Add, and 323, 5. No. 69.]*
- Feb. 10. **1549.** Mr. Dummer to [? Mr. Popple]. *Gives sailings of the*
London. *Prince to the West Indies, 115 days out and home. Signed,*
 E. Dummer. Endorsed, Recd. Read Feb. 12, 170 $\frac{4}{5}$. 1 p.
 Enclosed,
 1549. i. Printed Advertisement of the sailings of the monthly
 packet-boats, with directions for forwarding a mail-
 bag from the Islands to the Plantations on the Continent
 and back. London, Feb. 10, 170 $\frac{4}{5}$. 1 p. [*C.O.*
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- Feb. 22. *No. 893, line 6. Add, and 323, 5. No. 71.]*

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